The Tamil Nadu Panchayats Act, 1958

Act 35 of 1958

THE TAMIL NADU PANCHAYATS ACT, 1958.

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[1][TAMIL NADU] ACT No. XXXV OF 1958.[2]

[THE [1](TAMIL NADU) PANCHAYATS ACT, 1958].

(*Received the assent of the President on the 22nd January* 1959 ; *first published in the* Fort St. George Gazette *Extraordinary on the 30th January* 1959 (*Magha* 10, 1880)].

An Act to make better provision for the organization of village and town panchayats and for the constitution of panchayat union councils.

WHEREAS it is necessary in the national interest that the production of food should be increased progressively from year to year so as to keep pace with the growth of population and that the growth of population should be brought under control ;

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated the 2nd September 1958, Part IV-A, Pages 405 to 414.

This Act was extended to the transferred territory by section 3 (1) of the Tamil Nadu Panchayats(Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Act, 1961 (Tamil Nadu Act 27 of 1961), subject to the provisions of sub-section (2) of the latter Act, repealing the corresponding law in force in that territory.

This Act was extended to the added territory by section 4 (1) of the Tamil Nadu District Development Councils and Panchayats (Extension to Added Territory) Act, 1961 (Tamil Nadu Act 28 of 1961), subject to the provisions of sub-section (2) of the latter Act, repealing the corresponding law in force in that territory.

By virtue of section 35 (i) of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) any development plan prepared under the said Act may, *inter alia*, provide for the suspension, restriction or modification of any provision in the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) so far as may be necessary for the proper carrying out of such development plan.

WHEREAS the measures designed to secure these two national purposes depend for their successful implementation on their being undertaken as part of a comprehensive programme of measures designed to promote rural employment, to improve rural living conditions, to provide cultural and recreational facilities in rural areas, and thus to raise the standard of living of the rural people;

WHEREAS such a comprehensive programme of measures has been framed and is embodied in the National Extension Service Scheme of Community Development, and, in pursuance of such scheme, various services are being organised, works constructed and other facilities provided in rural areas ;

WHEREAS a stage has been reached when statutory provision has to be made for the setting up of local administrative organisations in rural areas so as to be capable of undertaking and discharging the responsibility for efficient maintenance and further progressive development of the services, works and other facilities aforesaid ;

AND WHEREAS it is a Directive Principle of State Policy embodied in the Constitution that the State should take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government;

BE it enacted in the Ninth Year of the Republic of India as follows :–

CHAPTER I—PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the "[1][Tamil Nadu] Panchayats Act, 1958."

(2) It extends to the whole of the [2][State of Tamil Nadu] except (i) the City of Madras, (ii) the municipalities governed by the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920), (iii) the cantonments governed by the Cantonments Act, 1924 (Central Act II of 1924), and (iv) the townships governed by the Mettur Township Act, 1940 ([1][Tamil Nadu] Act XI of 1940), the Courtallam Township Act, 1954 ([1][Tamil Nadu] Act XVI of 1954) and the Bhavanisagar Township Act 1954 ([1][Tamil Nadu] Act XXV of 1954).

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969

[2] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(3) It shall come into force on such date*, not being later than the 2nd day of October 1961, as the Government may, by notification, appoint ; and different dates may be appointed for different provisions of this Act or for different areas.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) 'building' includes a house, out-house, tent, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

(2) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time and 'casual election' means an election held to fill a casual vacancy;

(3) 'Chairman' means the Chairman of the Panchayat Union Council;

(4) 'Collector' means the Collector of the revenue district;

(5) 'commissioner' means the commissioner of the panchayat union;

(6) 'company' means a company as defined in the Companies Act, 1956 (Central Act I of 1956) and includes a foreign company within the meaning of section 591 of that Act;

(7) 'district' means the revenue district referred to in sub-section (1) of section 3 of the [1][Tamil Nadu] District Development Councils Act, 1958, or the local area constituted into a district under sub-section (2) of that section as altered by the notifications, if any, issued under sub-section (3) of the same section;

(8) 'District Development Council' means the District Development Council established under the [1][Tamil Nadu] District Development Councils Act, 1958;

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* In all the areas of the State except in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district—

(i) sections 1 and 196 came into force on the 31st day of January 1959; and

(ii) the remaining provisions came into force on the 1st day of January 1960.

[1][(8-A) ' drain ' means a rain or storm water drain and water tables, chutes, and the side drain exclusively meant to drain away the rain water falling on the surface of any street, bridge or causeway, but does not include a drain or sewer within the meaning of the Madras Metropolitan Water Supply and Sewerage Act, 1978];

(9) ' election authority ' means such authority, not being the president or vice-president or a member of the panchayat or the chairman or vice-chairman or a member of the panchayat union council as may be prescribed ;

(10) ' executive authority ' means, in the case of a town panchayat, the executive officer and in the case of a village panchayat, the president ;

(11) ' executive officer ' means the executive officer of a town panchayat ;

(12) ' Government ' means the State Government ;

(13) 'house' means a building fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand ;

(14) ' hut ' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the panchayat may declare to be a hut for the purposes of this Act ;

(15) 'Inspector' means any officer who is appointed by the Government to exercise or perform any of the powers or duties of the Inspector under this Act ;

(16) ' latrine ' includes privy, water-closet and urinal ;

[2][(17) ' member ' means a member of a panchayat or of a panchayat union council, as the case may be, and includes a co-opted member ;]

(18) ' ordinary vacancy ' means a vacancy occurring by efflux of time and ' ordinary election ' means an election held to fill an ordinary vacancy ;

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[1] This clause was inserted by Part III (i) of the Schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

[2] This clause was substituted for the original clause(17) by section 2(i) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

(19) 'owner' includes—

(*a*) the person for the time being receiving or entitled to receive whether on his own account or on behalf of another person as agent, trustee, guardian, manager or receiver or for any religious or charitable purpose the rents or profits of the property in connexion with which the word is used ; and

(*b*) the person for the time being in charge of the animal or vehicle in connexion with which the word is used ;

(20) 'panchayat' means the body constituted for the local administration of a village or town under this Act ;

(21) 'panchayat development block' means the area declared by the Government from time to time to be a panchayat development block for the purposes of this Act ;

(22) 'panchayat town' means any local area over which a panchayat which is classified as a town panchayat under this Act has jurisdiction ;

(23) 'panchayat union' means any local area which is declared to be a panchayat union under this Act ;

(24) 'panchayat union council' means the body constituted for the administration of a panchayat union under this Act ;

(25) 'panchayat village' means any local area over which a village panchayat has jurisdiction ;

(26) 'president' means the president of a panchayat ;

(27) 'private road' means any street, road, square, court, alley, passage, cart-track, foot-path or riding-path which is not a 'public road', but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises ;

(28) 'public road' means any street, road, square, court, alley, passage, cart-track, foot-path or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(*a*) the roadway over any public bridge or causeway ;

(*b*) the footway attached to any such road, public bridge or causeway ; and

(*c*) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the State or Central Government ;

(29) a person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning ;

(30) 'revenue district' means any local area which for the purposes of revenue administration is under the charge of a District Collector, after excluding therefrom all areas included in—

(*a*) the City of Madras including Fort St. George with the glacis ;

(*b*) municipalities constituted under the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920) ; and

(*c*) cantonments constituted under the Cantonments Act, 1924 (Central Act II of 1924);

(31) 'Scheduled Castes' shall have the same meaning as in the Constitution of India ;

[2][(31-a) 'Schedule Tribes' shall have the same meaning as in the Constitution of India]

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 This clause was inserted by section 2 (ii) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions Act, 1964) (Tamil Nadu Act 18 of 1964).

(32) 'town' means any local area which is declared to be a panchayat town under section 3, sub-section (1) ;

(33) 'town panchayat' means a panchayat classified as a town panchayat under this Act ;

(34) 'unreserved forest' means a forest not notified under section 4 of the [1][Tamil Nadu] Forest Act, 1882 ([1][Tamil Nadu] Act of V of 1882) and includes unreserved land at the disposal of the Government ;

(35) 'village' means any local area which is declared to be a panchayat village under section 3, sub-section (1) and 'revenue village' means any local area which is recognized as a village in the revenue accounts of Government after excluding therefrom the areas, if any, included in—

(*a*) the City of Madras including Fort St. George with the glacis;

(*b*) municipalities constituted under the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920);

(*c*) cantonments constituted under the Cantonments Act, 1924 (Central Act II of 1924) ; and

(*d*) the townships constituted under the Mettur Township Act, 1940 ([1][Tamil Nadu] Act XI of 1940), the Courtallam Township Act, 1954 ([1][Tamil Nadu] Act XVI of 1954) and the Bhavanisagar Township Act, 1954 ([1][Tamil Nadu] Act XXV of 1954).

(36) 'water-course' includes any river, stream or channel, whether natural or artificial ;

(37) 'year' means the financial year.

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

CHAPTER II.—CONSTITUTION AND GOVERNMENT OF PANCHAYATS AND PANCHAYAT UNION COUNCILS.

FORMATION OF PANCHAYAT VILLAGES, PANCHAYAT TOWNS AND PANCHAYAT UNIONS.

Formation of panchayat villages and panchayat towns.

3. (1) [1][The Inspector]—

(*a*) [2][may, by notification, classify and declare every local area possessing urban characteristics and] comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages and having a population estimated at not less than five thousand and an annual income estimated at not less than ten thousand rupees as a panchayat town for the purposes of this Act ;

(*b*) [3][shall, by notification, classify and declare] every other local area comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages with a population estimated at not less than five hundred as a panchayat village for the purposes of this Act ; and

(*c*) [4][shall, by notification, specify the name] of such panchayat town or panchayat village.

(2) (*a*) The Inspector may, by notification, exclude from a village or town any area comprised therein, provided that the population of the village or town, after such exclusion, is not less than five hundred.

(*b*) In regard to any area excluded under clause (*a*), the Inspector shall by notification under sub-section (1) declare it to be a village or town if it has a population of not less than five hundred or if its population is less than five hundred include it in any contiguous village or town under clause (*c*) (i).

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1 These words were substituted for the words "The Inspector shall by notification" by section 2 (i) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

2 These words were substituted for the words "classify and declare every local area" by section 2 (ii), *ibid*.

3 These words were substituted for the words "classify and declare" by section 2 (iii), *ibid*.

4 These words were substituted for the words "specify the name" by section 2 (iv), *ibid*.

(*c*) The Inspector may, by notification,—

(i) include in a village or town any local area contiguous thereto ; or

(ii) cancel or modify a notification issued under sub-section (1) ; or

(iii) alter the name of any village or town specified under sub-section (1).

(*d*) Before issuing a notification under clause (*a*) or under clause (*b*) read with sub-section (1) or under clause (*c*), the Inspector shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such panchayat or panchayats.

(3) Any rate-payer or inhabitant of such area or any panchayat concerned may, if he or it objects to any notification under sub-section (1) or sub-section (2), appeal to the Government within such period as may be prescribed.

(4) The Inspector may pass such orders as he may deem fit—

(*a*) as to the disposal of the property vested in a panchayat which has ceased to exist, and the discharge of its liabilities,

(*b*) as to the disposal of any part of the property vested in a panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Inspector may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat or where a panchayat has ceased to exercise jurisdiction over any local area, such tax, fee or other sum due to the panchayat as relates to that area shall be payable to such authorities as may be specified in the order ;

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat ceased to exist or, as the case may be, on the date on which the panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

Townships. 4. (1) The Government may, if a specific motion is passed to that effect by both Houses of the Legislature, declare any village or town or any specified part thereof to be a township if it is an industrial, labour or institutional colony or a health resort.

(2) In regard to any area declared to be a township, the Government shall, by notification, constitute a township committee.

(3) A notification issued by the Government may direct that any functions vested in a panchayat by or under this Act shall be transferred to and performed by the township committee and shall provide for—

(i) the total number of members of the township committee ;

(ii) the persons who shall be members of the township committee or the manner in which they shall be chosen;

(iii) the person who shall be the chairman of the township committee or the manner in which he shall be elected or appointed ;

(iv) the term of office of members and the chairman;

(v) the restrictions and conditions subject to which the township committee may perform its functions; and

(vi) the procedure of the township committee.

(4) The Government may, by notification, direct that any of the provisions of this Act or of the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920), or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the [2][State of Tamil Nadu], but not in the village or town or specified part thereof referred to in sub-section (1), shall apply to that village, town or part to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

Constitution of certain town panchayat areas as municipalities.

5. (1) The Government may, by notification, direct that any panchayat town with a population estimated at not less than twenty thousand and with an estimated annual income of not less than one lakh of rupees be constituted as or included in a municipality for the purposes of the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920), with effect on and from such date as may be specifed in the notification:

Provided that before issuing a notification under this sub-section the panchayat concerned shall be given a reasonable opportunity for showing cause against such proposal.

(2) The Government may, on an application from the panchayat concerned, by notification direct that any local area in which a town panchayat exercises jurisdiction with a population of less than twenty thousand, but has an annual income exceeding one lakh of rupees be constituted as or included in a municipality for the purposes of the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920), with effect on and from such date as may be specified in the notification:

Provided that the Government shall not so direct if the panchayat union council exercising jurisdiction over the area concerned objects to the issue of such direction and the Government are of opinion that the objection is well founded.

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) order 1969.

(3) If any local area in which this Act is in force is constituted as or included in a municipality as aforesaid—

(*a*) the Government may pass such orders as they may deem fit for the transfer to the council of such municipality or for the disposal otherwise of the assets of or institutions belonging to the panchayat in the local area and for the discharge of the liabilities, if any, of such panchayat relating to such assets or institutions ; and

(*b*) the members of the panchayat [1][including the president] holding office on the date of the constitution or inclusion aforesaid shall be deemed to be the elected members of the council of the municipality aforesaid under the [2][Tamil Nadu] District Municipalities Act, 1920 ([2][Tamil Nadu] Act V of 1920), and such members shall continue to hold office up to such date as the Government may, by notification, fix in this behalf, or in case no such date is fixed, up to the date on which their term of office would expire under the said Act, if they had been elected members of the council of the municipality aforesaid.

Extension of provisions of [2][Tamil Nadu] District Municipalities Act 1920, or of any rules made thereunder.

6. (1) The Inspector may, whether at the request of the panchayat or otherwise, by notification, declare that any of the provisions of the [2][Tamil Nadu] District Municipalities Act, 1920 ([2][Tamil Nadu] Act V of 1920), or of any rules made thereunder, shall be extended to, and be in force in, the village or town or any specified area therein.

(2) The provisons so notified shall be construed with such alterations (not affecting the substance) as may be necessary or proper for the purpose of adapting them to the village or town or specified area therein.

(3) Without prejudice to the generality of the foregoing provision, all references, in the provisions so notified, to a municipal council or the chairman or the executive authority thereof shall be construed as references to the panchayat or the president or the executive authority thereof, all references to any officer or servant of a municipal council as references to the corresponding

[1] These words were inserted by section 3 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

[2] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.

officer or servant of the panchayat, and all references to the municipal limits as references to the limits of the village or town or specified area therein, as the case may be.

7. (1) The Government may, from time to time, publish a notification of their intention— Formation of panchayat unions.

(*a*) to declare any local area forming a development block for the purposes of the National Extension Service Scheme of Community Development to be a panchayat development block ; and

(*b*) to constitute for every such panchayat development block a panchayat union.

(2) Any inhabitant of a local area in respect of which any such notification has been published may submit his objection in writing to anything contained in the notification to the Government within six weeks from the publication of the notification and the Government shall take all such objections into consideration.

(3) After the expiry of six weeks from the publication of the notification and after considering the objections, if any, which have been submitted, the Government may, by notification—

(*a*) declare the local area to be a panchayat development block ;

(*b*) declare the said panchayat development block to be a panchayat union ; and

(*c*) specify the name of the panchayat union.

(4) The Government may, by notification—

(i) exclude from a panchayat development block any [1][area] village or town comprised therein, or

(ii) include in a panchayat development block any area contiguous to it, or

(iii) cancel or modify a notification issued under sub-section (3), or

(iv) alter the name of a panchayat union.

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[1]This word was inserted by section 4 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(5) Before issuing a notification under sub-section (4), the Government shall consult the District Development Council concerned, and give the panchayat union council or panchayat union councils and the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider their explanations and objections, if any.

(6) The Government may pass such orders as they may deem fit—

(*a*) for the disposal of the assets of or institutions belonging to the panchayat union council which has ceased to exist, and for the discharge of the liabilities, if any, of such panchayat union council relating to such assets or institutions, or

(*b*) for the disposal of any part of the assets of or institutions belonging to a panchayat union council which has ceased to exercise jurisdiction over any panchayat development block and for the discharge of the liabilities, if any, of the panchayat union council relating to such assets or institutions.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Government may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat union council or where a panchayat union council has ceased to exercise jurisdiction over any panchayat development block, such tax, fee or other sum due to the panchayat union council as relates to that block shall be payable to such authorities as may be specified in the order ;

(ii) that appeals, petitions or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat union council ceased to exit, or as the case may be, on the date on which the panchayat union council ceased to exercise jurisdiction over the panchayat development block, shall be disposed of by such authorities as may be specified in the order.

CONSTITUTION OF PANCHAYATS AND PANCHAYAT UNION COUNCILS.

Constitution of panchayats for villages and towns and their incorporation.

8. (1) A panchayat shall be constituted for each village and for each town with effect from such date as may be specified in the notification issued in that behalf by the Inspector.

(2) Subject to the provisions of this Act, the administration of the village or town shall vest in the panchayat but the panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or executive authority or to any panchayat union council or any other authority.

(3) Every panchayat shall be a body corporate by the name of the village or town specified in the notification issued under section 3, shall have perpetual succession and a common seal, and, subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

Alteration of classification of towns and villages.

9. (1) The Government may alter any classification, notified under sub-section (1) of section 3, if in their opinion the town or village satisfies or ceases to satisfy the conditions referred to in that sub-section.

(2) Any decision made by the Government under this section shall not be questioned in a Court of Law.

Strength of a panchayat.

10. (1) The total number of members of a panchayat [1][(exclusive of its president)] shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to population.

(2) The Inspector may, from time to time, by notification, alter the total number of members of a panchayat notified under sub-section (1).

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1 These brackets and words were inserted by section 5 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(3) The number notified under sub-section (1) or the number as altered by notification under sub-section (2) shall not be less than five or more than fifteen :

Provided that the strength of the panchayat as notified under sub-section (1) or as altered by notification under sub-section (2) shall be deemed to be increased by one in case a member is co-opted under section 15, sub-section (4).

Constitution of panchayat union councils for panchayat union and their incorporation.

†11. (1) A panchayat union council shall be constituted for each panchayat union with effect from such date ‡ as may be specified in the notification issued in that behalf by the Government.

(2) Subject to the provisions of this Act, the administration of the panchayat union shall vest in the panchayat union council but the panchayat union council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its chairman or the commissioner or to the panchayat or any other authority :

Provided that if and so long as there is no panchayat in any part of a panchayat union, the panchayat union council shall exercise all the powers including the power of taxation, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the panchayat, and the chairman and the commissioner of the panchayat union council shall exercise the powers, discharge the duties and perform the functions of the president and the executive authority respectively in such part of the panchayat development block.

(3) Every panchayat union council shall be a body corporate by the name of the panchayat union specified in the notification issued under section 7, shall have perpetual succession and a common seal, and, subject to any

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† The Tamil Nadu Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (Tamil Nadu Act 17 of 1960) has made certain special provisions for the first constitution of panchayat union councils under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958). *See* also Tamil Nadu Acts 27 of 1961, sections 5 and 6 and 18 of 1964, section 2[illegible].

‡ With effect from the 2nd day of October 1960, panchayat Union Councils were constituted for certain panchayat unions mentioned in the R.D.L.A. Department Notification II-2, No. 271 of 1960, dated the 19th September 1960, published in Part II—Section 2 of the *Fort St. George Gazette* Extraordinary, dated the 26th September 1960.

restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

Composition and strength of a panchayat Union Council.

[1][12. (1) A panchayat union council constituted for any panchayat union shall consist of—

[2][(i) the chairman ;]

[2][(i-A)] the presidents of all panchayats in the panchayat union ; and

(ii) one non-official member of each township committee in the panchayat union chosen in the prescribed manner :

Provided that if among the members of a panchayat union council, there are no women or members of the Scheduled Castes or Scheduled Tribes or the number whether of women or of the members of the Scheduled Castes or Scheduled Tribes is less than three, the panchayat union council may co-opt such number of women or members of the Scheduled Castes or Scheduled Tribes as may be necessary to ensure that the council includes three women and three members of the Scheduled Castes and Scheduled Tribes.

(2) Notwithstanding anything contained in sub-section (1),—

(i) subject to such conditions as may be prescribed in this behalf, the Government may, by notification, specify any panchayat union, and upon the issue of such notification, [3][all the members of panchayats and township committees and the presidents of panchayats] in that panchayat union shall become members of the panchayat union council ;

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1 This section was substituted for the original section 12 by section 3 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

2 Clause (i) of sub-section (1) was relettered as clause (1-A) of that sub-section and this clause was inserted by section 2 (1) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

3 These words were substituted for the words "all the members of panchayats and township committees" by section 6 (1) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(ii) in the case of a panchayat union where there is only one panchayat or township committee, [1][all the members and the president of that panchayat or all the members of that township committee], as the case may be shall be members of the panchayat union council concerned.

(3) A member of the State Legislative Assembly representing a constituency comprising the whole or any part of a panchayat development block and any member of the State Legislative Council residing in a panchayat development block shall be entitled to take part in the proceedings of the panchayat union council but shall not be entitled to vote therein :

Provided that nothing contained in this sub-section shall be deemed to disentitle a member of the State Legislative Assembly representing a constituency comprising the whole or any part of a panchayat development block or any member of the State Legislative Council residing in a panchayat development block who having been elected as president of a panchayat becomes a member of the panchayat union council, to be elected as [2][* * *] vice-chairman of the panchayat union council.

(4) The members of every panchayat union council shall come into office on such date as may be fixed by the Government, by notification.]

Repeal of [3][Tamil Nadu Acts] XIV of 1920, X of 1950, XXX of 1955 and XIII of 1957.

13. With effect on and from such date as may be specified in the notification constituting a panchayat union council under this Act—

(i) the [4][Tamil Nadu] District Boards Act, 1920 ([4][Tamil Nadu] Act XIV of 1920), the [4][Tamil Nadu] Village Panchayats Act, 1950 ([4][Tamil Nadu] Act X of 1950), the [4][Tamil Nadu] Land Revenue (Additional Surcharge) Act, 1955 ([4][Tamil Nadu] Act XXX of 1955), and the [4][Tamil Nadu] District Boards (Amendment) Act, 1957 ([4][Tamil Nadu] Act XIII of 1957), shall stand repealed in the panchayat development block concerned and such panchayat development

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1 These words were substituted for the words "all the members of that panchayat or of that township committee" by section 6 (2) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

2 The words "chairman or" were omitted by section 2 (2) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

3 This expression was substituted for the expression "Madras Acts" by the Tamil Nadu Adaptation of Laws Order, 1970.

4 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

block shall cease thereafter to be included within the jurisdiction of any district board ;

(ii) the Special Officer appointed for the district board under the [1] [Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), having jurisdiction over the panchayat development block shall cease to exercise jurisdiction over that block ;

(iii) all elementary schools maintained by any panchayat or district board immediately before the said date in the panchayat development block together with the assets and liabilities appertaining to such schools shall on and from the said date stand transferred to and be vested in the panchayat union council ;

(iv) every district road, district choultry, district dispensary and district market shall vest in the panchayat union council concerned ;

(v) save as provided in clause (vi) all property and all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the district board constituted under the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), as well as all liabilities legally subsisting against such boards shall so far as such property rights, interests and liabilities are relatable to the area which is declared to be a panchayat development block and subject to such directions as the Government may by general or special order give in this behalf pass to the panchayat union council.

Explanation.—All arrears of taxes, fees or other sums due to a district board may be recovered by the panchayat union council.

(vi) (*a*) all rest-houses and travellers' bungalows which vest in the district board or in the panchayat shall stand transferred to and vest in the Government ;

(*b*) every hospital shall stand transferred to and vest in the Government ;

(*c*) all secondary, vocational and industrial schools maintained by any district board together with the assets and liabilities appertaining to such schools, as and when notified by the Government, shall stand transferred to and be vested in such authority as may be specified by the Government by general special order.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

ELECTIONS AND TERM OF OFFICE OF MEMBERS.

Election of members.

14. The members of the panchayat shall be elected in such manner as may be prescribed :

Provided that no person shall be eligible to be elected or co-opted under this Act as a member of more than one panchayat.

Reservation of seats for members of [1][Scheduled Castes, Scheduled Tribes and co-operation of women].

15. (1) In every panchayat, the Inspector may, subject to such rules as may be prescribed, by notification, [2][reserve such number of seats not exceeding three] as he thinks fit for the members of the[3][Scheduled Castes and Scheduled Tribes] with due regard to their population in the village or town.

(2) Any reservation made under sub-section (1) shall have effect only until the first ordinary elections to the panchayat after the expiration of a period of[4][thirty years] from the commencement of the [5][Tamil Nadu] Village Panchayats Act, 1950 ([5][Tamil Nadu] Act X of 1950).

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1 These words were substituted for the words, " Scheduled Castes and co-optation of women" by section 4 (i) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

2 These words were substituted for the words, " reserve such number of seats, if any," by section 4 (ii) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

3 These words were substituted for the words, "Scheduled Castes" by section 4 (ii) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

4 These words were substituted for the words "twenty years" by section 2 of the Tamil Nadu Panchayats (Amendment) Act, 1977 (President's Act 8 of 1977) ; and the words "twenty years" were earlier substituted for the words "ten years" by section 4 (iii) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

5 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(3) Nothing contained in sub-section (1) shall be deemed to prevent members of the [1] [Scheduled Castes and Scheduled Tribes] for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat.

(4) Every panchayat shall be entitled to co-opt to itself one women whose name appears in the electoral roll for the panchayat, if there is no elected woman member in that panchayat.

16. For the purpose of electing members to a panchayat, the Inspector shall, after consulting the panchayat, if any, by notification, divide the village or town into wards and determine the number of members to be returned by each ward in accordance with such scale as may be prescribed. **Division into wards.**

*17. (1) The term of office of the members of every panchayat who are elected at ordinary elections shall, save as otherwise expressly provided in, or may be prescribed under this Act, be five years beginning at noon on the day on which the vacancies occur : **Term of office of members.**

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the [2] [members as a whole of any panchayat or any class of panchayats or panchayats in any panchayat union or all the panchayats] be extended or reduced by such period not exceeding [3][one year] as may be specified in the notification.

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[1] These words were substituted for the words, "Scheduled Castes" by section 4 (iv) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964)

[2] These words were substituted for the words "members of any panchayat as a whole" by section 2 of the Tamil Nadu Panchayats (Second Amendment) Act, 1969 (Tamil Nadu Act 16 of 1969).

[3] These words were substituted by section 7 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970) for the words "six months", which were earlier substituted for the words "three months" by section 2 of the Tamil Nadu Panchayats (Second Amendment) Act, 1962 (Tamil Nadu Act 16 of 1969).

* The term of office of members and Presidents of panchayats holding office as such on the 22nd July 1975 and on the 31st July 1976 were extended upto the 1st August 1976 and upto the 1st August 1977 respectively by the Tamil Nadu Panchayats and Panchayat Union Councils (Extension of Term of Office) Act, 1975 (Tamil Nadu Act 34 of 1975) and the Tamil Nadu Panchayats (Extension of Term of Office) Act, 1976 (President's Act 32 of 1976) respectively.

(2) Ordinary vacancies in the office of an elected member of a panchayat shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit:

Provided that the Government may for sufficient cause direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(3) (*a*) Every casual vacancy in the office of an elected member of a panchayat shall be reported by the executive authority within such time as may be prescribed.

(*b*) A member of a panchayat elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacany had not occurred.

(*c*) Unless the Inspector otherwise directs, no casual election shall be held to a panchayat within six months before the date of retirement of its members by efflux of time.

(4) Where the number of members of a panchayat is increased, the members elected for the additional seats or the members elected in their places in casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

(5) The person co-opted under sub-section (4) of section 15, shall hold office only for such period for which she would have been entitled to hold office if she had been elected at an ordinary election or at a casual election as the case may be.

Panchayat to elect members in certain cases and the term of office of such members.

18. (1) If at an ordinary or casual election, no person is elected to fill any vacancy, a fresh election shall be held on such day as the Inspector may fix.

(2) If, at such fresh election also, no person is elected to fill the vacancy or any of the vacancies, as the case may be, the panchayat may, in the manner prescribed, elect a qualified person to fill such vacancy.

(3) The term of office of a member of a panchayat elected under this section, shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

[1][19. *The term of office of members of every panchayat union council including a co-opted member shall expire on the date of expiry of the term of five years specified in sub-section (1) of section 17 : **Tenure of members of panchayat union council.**

Provided that a member of a panchayat union council shall cease to hold office as such if he ceases to be a president or a member, as the case may be, of a panchayat or a member of a township committee, in the panchayat union.]

20 (1) [2][Every person who is qualified to be included] in such part of the eletoral roll for any Assembly constituency as relates to the village or town or any portion of the said village or town shall be entitled to be included in the electoral roll for the panchayat, and no other person shall be entitled to be included therein. **Preparation and publication of electoral roll and qualification for inclusion therein.**

[3][Provided that any person who is entitled to be included in a separate part of the electoral roll for such Assembly Constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), shall not be eligible for being included in the eletoral roll for the panchayat prepared for the purpose of this Act, unless he makes an application giving the particulars of his address in the village or town to the person authorised under sub-section (2) for such inclusion.]

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[1] This section was substituted for the original section 19 by section 5 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

* The term of office of the members and Chairmen of the Panchayat Union Councils holding office as such on the 22nd July 1975 was extended upto the 1st August 1976 by the Tamil Nadu Panchayats and Panchayat Union Councils (Extension of Term of Office) Act, 1975 (Tamil Nadu Act 34 of 1975).

[2] These words were substituted for the words "Every person whose name is included" by section 4 (1) (*a*) (i) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

[3] This proviso was inserted by section 8 (1) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

Explanation.—Where, in the case of an Assembly constituency, there is no distinct part of the electoral roll relating to the village or town, [1] [all persons who are qualified to be included in such roll] under the registration area comprising the village or town and whose addresses [2][* * *] are situated in the village or town shall be entitled to be included in the electoral roll for the panchayat prepared for the purposes of this Act.

[3][(2) Any person authorized in this behalf by the Government shall, for the purposes of this Act, prepare and publish in such manner and at such times as the Government may direct, the electoral roll for the panchayat or the alterations to such roll, as the case may be.

[4][Provided that no alteration to the electoral roll] shall be published after the last date for filing of nomination and before the notification of the results of election.]

Explanation.—The power conferred by this sub-section on the person so authorized shall include the power to omit, in the manner and at the times aforesaid, from the electoral roll for the panchayat published under this sub-section the name of any person who is dead or who is disqualified to be included in such part of the electoral roll for any Assembly constituency as relates to the village or town or any portion of the said village or town.]

(3) The electoral roll for the panchayat shall be divided into separate parts for each ward.

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[1] These words were substituted for the words "all persons whose names are entered in such roll" by section 4 (1) (*a*) (ii) of the Madras Ciity Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

[2] The words "as entered in such roll" were omitted by section 4 (1) (*a*) (ii) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

[3] This sub-section and *Explanation* were substituted for the original sub-section (2) by section 4 (i) (*b*) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

[4] This proviso was inserted by section 8 (2) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(4) Where after the electoral roll for a panchayat or any alterations thereto have been published under sub-section (2) the village or town is divided into wards for the first time or the division of the village or town into wards is altered or the limits of the village or town are varied, [1][the person authorized under that sub-section] shall, in order to give effect to the division of the village or town into wards or to the alteration of the wards or to the variation of the limits, as the case may be, authorize a re-arrangement and republication of the electoral roll for the panchayat or any part of such roll, in such manner as the Government may direct.

(5) Every person whose name appears in the electoral roll for the panchayat shall, so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election ; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section [2][* * *], the expression "Assembly constituency" shall mean a constituency provided by law for the purpose of elections to the [3][Tamil Nadu Legislative Assembly.]

[4][21. * * * * * *]

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1 These words were substituted for the words "the prescribed authority" by section 4 (1) (*c*) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

2 The words and figures "and section 21" were omitted by section 4 (1) (*d*) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

3 This expression was substituted for the expression "Madras Legislative Assembly" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

4 This section was omitted by section 4 (2) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

QUALIFICATION, DISQUALIFICATION, ETC., OF MEMBERS.

Qualification of candidates.

[1][22. No person shall be qualified for election as—

(*a*) a member or president of a panchayat unless his name appears on the electoral roll for the panchayat; or

(*b*) chairman of a panchayat union council unless his name appears on the electoral roll for any one of the panchayats or townships comprised in that panchayat union.]

Disqualification of officers and servants of Government and local bodies.

23. (1) No village headman, karnam, or village servants and no other officer or servant of the State or Central Government or of a panchayat, panchayat union council, municipal council or the Corporation of Madras shall be qualified for election as a member or for holding office as a member.

(2) If any question arises either before or after an election, whether any person is or is not disqualified under this section, the question shall be referred to the Government whose decision shall be final.

Disqualification of persons convicted of election offences.

24. Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code (Central Act XLV of 1860) or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat or of a panchayat union council for a period of five years from the date of his conviction.

Disqualifications of candidates.

25. (1) A person who has been sentenced by a criminal court to imprisonment for any offence involving moral delinquency (such sentence not having been reversed), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof.

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[1] The words " or panchayat union council " occurring in original section 22 were omitted by section 6 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Povisions) Act, 1964 (Tamil Nadu Act 18 of 1964) ; and this section was substituted for section 22 itself by section 3 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

[1][(1-A) A person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955), shall be disqualified for election as a member for a period of five years from the date of such conviction] ;

(2) A person shall be disqualified for election as a member if, [2][at the last date tor filing of nomination or at the date of election], he is—

(*a*) of unsound mind, a deaf-mute or suffering from leprosy ;

(*b*) an applicant to be adjudicated an insolvent or an undischarged insolvent ;

(*c*) interested in a subsisting contract made with, or any work being done for, [3][any panchayat or any panchayat union council] except as a shareholder (other than a director) in a company ;

(*d*) employed as paid legal practitioner on behalf of the panchayat or panchayat union council or as legal practitioner against the panchayat or the panchayat union council ;

(*e*) an *honorary Magistrate under the Code of Criminal Procedure, 1898 ** (Central Act V of 1898), with jurisdiction over any part of the village or town ;

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[1] This sub-section was inserted by section 4 (i) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1978 (Tamil Nadu Act 11 of 1978).

[2] These words were substituted for the words "at the date of nomination or election" by section 9 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

[3] These words were substituted for the words "the panchayat or the panchayat union council" by section 7 (i) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

* The system of appointing Honorary Magistrates has now been dispensed with by the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

** Now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(*f*) already a member of the panchayat [3][ ], whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the panchayat [1][ ], whose term of office has not yet commenced ; or

[2][(*g*) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat or the panchayat union council up to and inclusive of the previous year.]

Disqualifications of members

26. Subject to the provisions of section 28, a member shall cease to hold office as such if he—

(*a*) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 25 ;

[3][(*aa*) is convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955)].

(*b*) becomes of unsound mind or a deaf-mute or suffers from leprosy ;

(*c*) applies to be adjudicated, or is adjudicated, an insolvent ;

(*d*) acquires any interest in any subsisting contract made with, or work being done for [4][any panchayat or any panchayat union council] except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act ;

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[1] The words "or the panchayat union council, as the case may be" were omitted by section 7 (ii) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

[2] This clause was substituted for the original clause (*g*) by section 2 of the Tamil Nadu Panchayats (Amendment) Act, 1965 (Tamil Nadu Act 36 of 1965).

[3] This clause was inserted by section 4 (ii) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1978 (Tamil Nadu Act 11 of 1978).

[4] These words were substituted for the words "the panchayat or the panchayat union council" by section 8 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

(*e*) is employed as paid legal practitioner on behalf of the panchayat or the panchayat union council or accepts employment as legal practitioner against the panchayat or the panchayat union council;

(*f*) is appointed as an officer or servant under this Act;

(*g*) *is appointed as an honorary Magistrate** under the Code of Criminal Procedure, 1898 (Central Act V of 1898)† with jurisdiction over any part of the village or town;

(*h*) ceases to reside in the village or town as the case may be;

[1][(i) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat or the panchayat union council within three months after such arrears became due; or]

(*j*) absents himself from the meetings of the panchayat or the panchayat union council, as the case may be, for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under section 27, sub-section (1), as the case may be, or within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date:

Provided that no meeting from which a member absented himself shall be counted against him under this clause if—

(i) due notice of that meeting was not given to him; or

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[1]This clause was substituted for the original clause (i) by section 3 of the Tamil Nadu Panchayats (Amendment) Act, 1965 (Tamil Nadu Act 38 of 1965).

*The system of appointing honorary Magistrates has now been dispensed with consequent on the coming into force of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) with effect on and from the 1st April 1974.

†Now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting; or

(iii) the meeting was held on a requisition of members.

Restoration of members to office. 27. (1) Where a person ceases to be a member under section 24 [1][or clause (*a*) or clause (*aa*) of section 26,] he shall be restored to office for such portion of the period for which he was elected, as may remain unexpired at the date of such restoration, if and when the [2][conviction or sentence] is annulled on appeal or revision; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be a member under clause (*j*) of section 26, the executive authority or the commissioner shall at once intimate the fact in writing to such person and report the same to the panchayat or the panchayat union council as the case may be at its next meeting. If such person applies for restoration *suo motu* to the panchayat or the panchayat union council, as the case may be, on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the panchayat or the panchayat union council, as the case may be, may at the meeting next after the receipt of such application restore him to his office of member:

Provided that a member shall not be restored more than twice during his term of office.

Oath or affirmation to be made by members. [3][27-A. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873 (Central Act X of 1873), every person who is elected or co-opted to be a member or who becomes a member shall, before taking his seat, make,

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[1]This expression was substituted for the expression "or clause (a) of section 26" by section 4(iii)(a) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1978 (Tamil Nadu Act 11 of 1978).

[2]This expression was substituted for the expression "sentence" by section 4(iii)(b) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1978 (Tamil Nadu Act 11 of 1978).

[3]This section was inserted by section 5 of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964 (Tamil Nadu Act 2 of 1964).

at a meeting of the panchayat or the panchayat union council, as the case may be, an oath or affirmation in the following form, namely :—

having been elected a member
"I, A.B., having been co-opted a member of this
having become a member.

Panchayat / Panchayat union council, do swear in the name of God / solemnly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any person who, having been elected or co-opted to be a member or who, having become a member, fails to make within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected or co-opted to be a member or who has become a member shall not take his seat at a meeting of the panchayat or the panchayat union council, as the case may be, or do any act as such member unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3), the president of a panchayat or the chairman of a panchayat union council or the member of a committee constituted under this Act who has not made the oath or affirmation as a member shall be entitled to act as such president, chairman or member :

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the panchayat or the panchayat union council, as the case may be, which he

attends within two months after he is elected or appointed as, or becomes entitled to exercise the functions of, the president, chairman or member, as the case may be.

Explanation.—For the purposes of this section—

(i) 'president' includes a vice-president exercising the functions of the president under sub-section (1) or sub-section (2) of section 34 and the temporary president appointed under sub-section (3) of that section ; and

(ii) 'chairman' includes a vice-chairman exercising the functions of the chairman under sub-section (1) or sub-section (5) of section 37 or a revenue divisional officer who is *ex-officio* chairman under sub-section (2) of that section.]

Authority to decide questions of disqualification of members.

[1][28. (1) Whenever it is alleged that any person who has been elected as a member of a panchayat or who becomes a member of a panchayat union council is not qualified or has become disqualified under section 22, 24, 25, 26 or 27-A, the executive authority or the commissioner as the case may be, shall, by notice in writing inform such member of the allegation and place the matter at the next meeting of the panchayat or panchayat union council. If before the date of the expiry of two months from the date of receipt of such notice such member does not apply to the prescribed judicial authority under sub-section (2), he shall become not qualified or disqualified from such date of expiry of the said two months.

(2) The executive authority or the commissioner, as the case may be, if so directed by the panchayat or panchayat union council or by the inspector, shall, and any such member or any other member may, apply to the prescribed judicial authority whose decision on such allegation shall be final.

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1 In sub-section (1) of the original section 28 for the word and figures "or 26" in both the places where they occurred, the figures, word and letter "26 or 27-A" were substituted by section 6 of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964 (Tamil Nadu Act 2 of 1964) and for the words "or panchayat union council", where they occurred for the first time, the words "or who becomes a member of panchayat union council" were substituted by section 9 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964). For section 28 as so amended this section was substituted by section 10 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(3) Where an application has been made under sub-section (2), the member shall, pending decision on such application be entitled to act as if he is qualified or were not disqualified.

(4) Nothing contained in this section shall be deemed to affect the provisions of section 27.]

PRESIDENT AND VICE-PRESIDENT

President and vice-president of panchayat.

29. There shall be a President and a vice-president for every panchayat.

Election of President.

[1][30.* (1) (a) The president shall be elected by the persons whose names appear in the electoral roll for the panchayat from among themselves in accordance with such procedure as may be prescribed.

(b) If at an ordinary or casual election no president is elected, a fresh election shall be held:

Provided that a person who stands for election as president shall not be eligible to stand for election as a member:

Provided further that a person who stands for election as a member shall not be eligible to stand for election as president:

Provided also that no member shall be eligible to stand for election as president.

(2) The election of the president may be held ordinarily at the same times and in the same places as the ordinary elections of the members of the panchayat.

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1 For the original sections 30, 31 and 32, as amended by Tamil Nadu Act 18 of 1964, the present sections 30, 31 and 32 were substituted by section 11 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

*The presidents of panchayats holding office as such on the date of the commencement of Tamil Nadu Act 11 of 1970 were allowed to hold office as such presidents for the residue of the term of office by virtue of section 19 of the said Act,

(3) The term of office of the president who is elected at an ordinary election shall, save as otherwise expressly provided in, or may be prescribed under this Act, be five years beginning at noon on the day on which the vacancy occurs:

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the president of any panchayat or of the presidents of any class of panchayats or of the presidents of the panchayats in any panchayat union or of the presidents of all the panchayats be extended or reduced by such period not exceeding one year as may be specified in the notification.

(4) Any casual vacancy in the office of the president shall be filled by a fresh election and a person elected as president in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Inspector otherwise directs, no casual vacancy in the office of the president shall be filled within six months before the date on which the ordinary election of the president under sub-section (1) is due.

(6) The provisions of sections 23 to 27 (both inclusive) 27-A and 28 shall, as far as may be, apply in relation to the office of the president as they apply in relation to the office of an elected member of the panchayat.

(7) The president shall be an *ex-officio* member of the panchayat and shall have all the rights and privileges of an elected member of the panchayat.

Election of vice-president.

31. (1) The vice-president shall be elected by the panchayat from among its members in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no vice-president is elected, a fresh election shall be held for electing a vice-president.

*32. The president or vice-president shall cease to hold office as such— **Cessation of office of president and vice-president.**

(*a*) in the case of the president, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be a president ;

(*b*) in the case of the vice-president, on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

[1][32-A. Without prejudice to the provisions of section 32, the presient, vice-president or a member of a panchayat, as the case may be, or a member of a township committee, shall not cease to hold office as such on his election as [2][* *] vice-chairman of any panchayat union council. **President, vice-president or member not to cease to hold office.**

33. (1) The president shall— **Functions of the president.**

(*a*) convene the meetings of the panchayat ;

(*b*) have full access to the records of the panchayat ;

(*c*) discharge all the duties specifically imposed and exercise all the powers conferred on the president by this Act.

(2) No official correspondence between the panchayat and the Government shall be conducted except through the president. The president shall be bound to transmit communications addressed through him by the executive officer to the Government or by the Government to the executive officer.

34. (1) When the office of president is vacant, the vice-president shall exercise the functions of the president until a new president is declared elected and assumes office. **Devolution and delegation of president's functions and filling up of vacancies in the office of president.**

(2) If the president has been continuously absent from jurisdiction for more than thirty days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-president.

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*Sub-section (3) of original section 32 was omitted by section 10 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

1 This section was inserted by section 11 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisons) Act, 1964 (Tamil Nadu Act 18 of 1964).

2 The words "chairman or" were omitted by section 4 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

(3) When the office of president is vacant or the president has been continuously absent from jurisdiction for more than thirty days or is incapacitated and there is either a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than thirty days or is incapacitated, the functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf, and if no member of the panchayat is availabe for such appointment, on such person as may be appointed by the Inspector in this behalf.

The member of the panchayat or the person so appointed (who shall be styled the temporary president) shall perform the functions of the president subject to such restrictions and conditions as may be prescribed, until a new president or vice-president is declared elected and assumes office, or either the president or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.

(4) Any vacancy in the office of president shall be reported to the election authority by such person and within such time as may be prescribed and the election authority shall arrange for the election of the president.

(5) The reference to the president's functions in sub-sections (1), (2) and (3) shall, where he is also the executive authority, be deemed to include a reference to his functions as executive authority.

(6) The president shall have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2).

Delegation of functions of president.

35. Subject to such restrictions and control as may be prescribed, the president may by an order in writing delegate any of his functions as such to the vice-president and in the absence of the vice-president to any other member, provided that the exercise or discharge of any functions so delegated shall be subject to such further restrictions and conditions as may be laid down by the president and shall also be subject to his control and revision :

Provided that he shall not delegate any functions which the panchayat expressly prohibits him to delegate.

CHAIRMAN AND VICE-CHAIRMAN.

[1]36. There shall be a chairman and a vice-chairman for every panchayat union council.

Chairman and vice-chairman of panchayat union council.

[1]36-A(i) (*a*) The chairman shall be elected by the persons in a panchayat union whose names appear in the electoral roll for any one of the panchayats or townships comprised in that panchayat union, from among themselves in accordance with such procedure as may be prescribed.

Election of chairman.

(b) If at an ordinary or casual election no chairman is elected, a fresh election shall be held :

Provided that a person who stands for election either as president or member of a panchayat shall not be eligible to stand for election as chairman :

Provided further that a person who stands for election as chairman shall not be eligible to stand for election either as president or as a member of a panchayat :

Provided also that no person who is—

(i) a member or president of a panchayat, or

(ii) a member or chairman of a township committee, shall be eligible to stand for election as chairman :

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1 The following proviso to sub-section (2) of section 36 was added by section 12 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964):—

"Provided that in the case of a panchayat union council referred to in clause (ii) of sub-section (2) of section 12, where all the members of the council are either members of a single panchayat or members of a single township committee,

(i) the president and vice-president of the panchayat shall respectively be the chairman and vice-chairman of the panchayat union council ;

(ii) the chairman of the township committee shall be the chairman of the panchayat union council and a member of the township committee chosen in the prescribed manner shall be the vice-chairman of the panchayat union council."

Sections 36, 36-A, 36-B and 36-C were substituted for section 36 by section 5 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

Provided also that where all the members and the president of a single panchayat become the members of the panchayat union council under clause (ii) of sub-section (2) of section 12, the chairman of that panchayat union council shall be elected in accordance with the provisions of this sub-section :

Provided also that where the members of a single township committee become the members of the panchayat union council under clause (ii) of sub-section (2) of section 12, the chairman of the township committee shall be the chairman of that panchayat union council.

(2) The election of the chairman may be held ordinarily at the same times and in the same places in a panchayat union as the ordinary elections of the members of all the panchayats and townships comprised in that panchayat union.

(3) The term of office of the chairman who is elected at an ordinary election shall, save as otherwise expressly provided in or may be prescribed under this Act, be five years beginning at noon on the day on which the vacancy occurs :

Provided that the Government may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the chairman of any panchayat union council or of the chairman of all the panchayat union councils be extended or reduced by such period not exceeding one year as may be specified in the notification.

(4) Any casual vacancy in the office of the chairman shall be filled by a fresh election and a person elected as chairman in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Government otherwise direct, no casual vacancy in the office of the chairman shall be filled within six months before the date on which the ordinary election of the chairman under sub-section (1) is due.

(6) The provisions of sections 23 to 27 (both inclusive), 27-A and 28 shall, as far as may be, apply in relation to the office of the chairman as they apply in relation to the office of an elected member of a panchayat.

(7) The chairman shall be an *ex-officio* member of the panchayat union council and shall have all the rights and privileges as that of the other members of the panchayat union council.

(8) The chairman shall—

(*a*) convene the meetings of the panchayat union council ; and

(*b*) discharge all the duties specifically imposed and exercise all the powers conferred on the chairman by this Act, and the rules made thereunder.

(9) The chairman shall have full access to all the records of the panchayat union council and no official correspondence between the council and the Government shall be conducted except through the chairman. The chiarman shall be bound to transmit communications addressed through him by the Commissioner to the Government or by the Government to the Commissioner.

[1]36-B (1) The vice-chairman shall be elected by the panchayat union council from among its members in accordance with such procedure as may be prescribed : **Election of vice-chairman.**

Provided that in the case of a panchayat union council referred to in clause (ii) of sub-section (2) of section 12, where all the members of the council are either members of a single panchayat or members of a single township committee,—

(i) the vice-president of the panchayat shall be the vice-chairman of the panchayat union council ;

(ii) a member of the township committee other than the chairman chosen in the prescribed manner shall be the vice-chairman of the panchayat union council.

(2) If at an election held under sub-section (1) no vice-chairman is elected, a fresh election shall be held for electing a vice-chairman.

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1 Sections 36, 36-A, 36-B and 36-C were substituted for section 36 by section 5 of the Tamil Nadu Panchayats (Second Amendement) Act, 1978 (Tamil Nadu Act 13 of 1978).

Cessation of office of chairman and vice-chairman.

[1]36-C. The chairman and vice-chairman shall cease to hold office as such—

(a) in the case of the chairman, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be chairman ;

(b) in the case of the vice-chairman, on the expiry of his term of office as a member of the panchayat union council or on his otherwise ceasing to be a member of the panchayat union council.

Execution and delegation of chairman's functions and filling up of vacancies in office of chairman.

37. (1) When the office of chairman is vacant, the vice-chairman shall exercise the functions of the chairman until a new chairman assumes office.

(2) When the office of chairman is vacant and there is either a vacancy in the office of vice-chairman, or the vice-chairman has been continuously absent from jurisdiction for more than thirty days or is incapacitated, [2][ ] and until a new chairman or vice-chairman is elected and assumes office, or the vice-chairman returns to jurisdiction or recovers from his incapacity as the case may be, the Revenue Divisional Officer shall, notwithstanding anything contained in this Act, or in the rules or notifications issued thereunder, be ex-officio member and chairman of the panchayat union council.

(3) An out-going chairman or vice-chairman is eligible for re-election.

(4) The chairman may, by an order in writing, delegate any of his functions to the vice-chairman :

Provided that he shall not delegate any functions which the panchayat union council expressly forbids him to delegate.

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1 Sections 36, 36-A, 36-B and 36-C were substituted for section 36 by section 5 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

2 The words "the Revenue Divisional Officer shall, after giving notice of not less than seven clear days to the members convene a meeting for the election of a chairman" were omitted by section 6 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

(5) If the chairman has been continuously absent from jurisdiction for more than thirty days or incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-chairman.

(6) If the vice-chairman also has been continuously absent from jurisdiction for more than thirty days or is incapacitated or if the office of vice-chairman is vacant, the chairman may, by an order in writing, delegate any of his functions to any member of the panchayat union council who shall be styled " chairman delegate " during the period of delegation :

Provided that—

(i) when an order of delegation made under this sub-section is in force, no further order of delegation of any function shall be made in favour of any member other than the member in whose favour the order in force was made ;

(ii) no delegation under this sub-section shall be made for any period exceeding in the aggregate 90 days in any year without the special sanction of the panchayat union council ; and

(iii) every order made under this sub-section shall be communicated to the panchayat union council at its next meeting.

(7) The exercise or discharge of any functions delegated under this section shall be subject to such restrictions, limitations and conditions as may be laid down by the chairman.

MEMBERS.

38. (1) Any member may call the attention of the executive authority or the commissioner as the case may be to any neglect in the execution of panchayat or panchayat union work, to any waste of panchayat or panchayat union property or to the wants of any locality, and may suggest any improvements which may appear desirable. Rights of individual members.

(2) Every member shall have the right to move resolutions and to interpellate the president or chairman on matters connected with the administration of the panchayat or panchayat union council as the case may be, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the panchayat or the panchayat union council as the case may be after giving due notice to the executive authority or commissioner, provided that the executive authority or commissioner may, for reasons given in writing, forbid such access.

No president, vice-president, chairman, vice-chairman or member to receive remuneration.

39. No president, vice-president, chairman, vice-chairman or member shall receive, or be paid from the funds at the disposal of or under the control of the panchayat or panchayat union council any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

THE EXECUTIVE OFFICER.

Appointment of executive officers for certain panchayats.

40. (1) A wholetime executive officer shall be appointed by the Government for every town panchayat.

(2) In the case of every village panchayat, the president of the panchayat shall, subject to such rules as may be prescribed, perform the functions of the executive officer.

(3) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the panchayat and the Government.

(4) The panchayat shall pay the executive officer such salary and allowances as may from time to time be fixed by the Government.

(5) The panchayat shall also make—

(*a*) if the executive officer is in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf;

(*b*) if the executive officer is not in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be prescribed in his behalf.

(6) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

41. The executive officer shall— **Functions of executive officer.**

(*a*) have the right to attend the meetings of the panchayat or of any committee thereof and take part in the discussions thereat but without the right to move any resolution or to vote ;

(*b*) attend any meeting of the panchayat or of any committee thereof if required to do so by the presiding officer.

42. Subject to such restrictions and control as may be prescribed, when the executive officer is unable to discharge his functions owing to absence, illness or any other cause, the president shall discharge his functions until the date on which the executive officer resumes his duties. **Devolution of functions of executive officer.**

POWERS AND DUTIES OF THE EXECUTIVE AUTHORITY.

43. The executive authority shall— **Functions of executive authority.**

(*a*) carry into effect the resolutions of the panchayat :

Provided that where the president considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall refer the matter to the Government for orders and their decision shall be final ;

(*b*) control all the officers and servants of the panchayat ;

(*c*) discharge all the duties specifically imposed and exercise all the powers conferred on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes thereof.

THE COMMISSIONER.

Commissioners. 44. (1) A commissioner shall be appointed by the Government in the case of each panchayat union council. Such commissioner shall ordinarily be the Development Officer appointed in pursuance of the National Extension Service Scheme of Community Development for the panchayat development block.

(2) No recovery shall be made from the panchayat union council towards the salary and allowances paid to any commissioner or towards his leave allowances, pension and provident fund.

(3) The Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the commissioners appointed under sub-section (1).

(4) The commissioner shall—

(*a*) have the right to attend the meetings of the panchayat union council or of any committee thereof and take part in the discussions thereat, but without the right to move any resolution or to vote ;

(*b*) attend any meeting of the panchayat union council or of any committee thereof if required to do so by the chairman ;

(*c*) carry into effect the resolutions of the panchayat union council ;

(*d*) furnish to the panchayat union council such periodical reports regarding the progress made in carrying out the resolutions of that body and in the collection of taxes as the council may direct ;

(*e*) control all the officers and servants of the panchayat union council ;

(*f*) perform all the duties specifically imposed and exercise all the powers conferred on the commissioner by this Act and subject, whenever it is hereinafter expressly so provided, to the sanction of the panchayat union council, and subject also to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive

power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.

(5) Notwithstanding anything contained in sub-section (2) of section 11 and subject to all other provisions of this Act and the rules made thereunder, the panchayat union council shall have power to issue such specific directions as it may think fit regarding the performance by the commissioner of any of the functions assigned to him under this Act:

Provided that where such directions relate to any National Extension Service Scheme of Community Development or any other scheme specially entrusted by the Government to the panchayat union council the directions issued by the council shall be in conformity with the terms and conditions of such entrustment.

(6) Subject to any directions given or restrictions imposed by the Government or the panchayat union council, the commissioner may, by an order in writing, delegate any of his functions to any officer or servant of the panchayat union council or to any servant of the Government. The exercise or discharge of any functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the commissioner and shall also be subject to his control and revision.

Emergency powers of executive authority and commissioner.

45. The executive authority or the commissioner may in cases of emergency direct the execution of any work or the doing of any act which requires the sanction of the panchayat or the panchayat union council as the case may be and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund or the panchayat union fund as the case may be:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the panchayat or the panchayat union council prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report the action taken under this section and the reasons therefor to the panchayat or the panchayat union council at its next meeting.

PROCEDURE.

Presidency at meetings of panchayats.

46. (1) Every meeting of a panchayat shall be presided over by the president, in his absence, by the vice-president, and in the absence of both the president and the vice-president, by a member chosen by the members present at the meeting to preside for the occasion.

(2) The president shall preserve order and decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall be final.

(3) A vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

Meetings of panchayat union councils.

47. (1) Every panchayat union council shall meet at such times and places and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed :

Provided that not more than sixty days shall elapse between any two meetings of the panchayat union council.

(2) Every meeting of a panchayat union council shall be presided over by the chairman, in his absence, by the vice chairman, and in the absence of both the chairman and the vice-chairman by a member chosen by the members present at the meeting to preside for the occasion.

(3) The chairman shall preserve order and decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the chairman on any point of order shall be final.

(4) A vice-chairman or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the chairman.

Members when to abstain from taking part in discussion and voting.

48. (1) No member shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the panchayat or panchayat union council or any committee if the question is one in which, apart from its general application to the public he has any direct or indirect pecuniary interest by himself or his partner.

(2) The president or chairman as the case may be may prohibit any member from voting or taking part in the discussion of any matter in which he believes such member to have such interest, or he may require such member to absent himself during the discussion.

(3) Such member may challenge the decision of the president or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the president or chairman is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

(5) The member concerned shall not be entitled to vote on the question referred to in sub-section (3) and the president or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—The terms "president" and "chairman" in this section include a vice-president, vice-chairman, or member presiding for the occasion.

Minutes of proceedings.

49. A copy of the minutes of the proceedings at every meetings of a panchayat or panchayat union council as well as of all minutes of dissent in respect of such proceedings received from any member present at the meeting, within 48 hours of the close thereof, shall be submitted by the president or chairman as the case may be within three days of the date of the meeting of the Inspector :

Provided that the Inspector may direct that such minutes shall be submitted either generally or in any specified classes of cases to any officer empowered by him in this behalf.

Power of panchayat and panchayat unio council to ca for records.

50. A panchayat or a panchayat union council may require the executive authority or the commissioner as the case may be to produce any document which is in his custody and he shall, subject to such rules as may be prescribed, comply with every such requisition.

Proceedings of panchayats, panchayat union councils and committees. 51. (1) The proceedings of every panchayat and panchayat union council and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the panchayat or the panchayat union council as the case may be with the approval of the Inspector.

(2) The Inspector may remit for reconsideration and re-submission any regulation or part thereof to the panchayat or panchayat union council as the case may be :

Provided, however, that it shall be competent for the Inspector to add to, omit or alter any regulation which contravenes the provisions of this Act or the rules thereunder.

Appointment of joint committees. 52. (1) A panchayat may, and if so required by the Inspector, shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

(2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in connexion with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

Committees. 53. (1) (*a*) There shall be an Appointments Committee for every panchayat union, which shall be composed of the chairman of the panchayat union council, the commissioner and one member elected annually by the panchayat union council. The chairman of the panchayat union council shall be the chairman of the committee Subject to the provisions of section 58, and to such rules as may be made by the Government in this behalf appointments to all posts under the panchayat union council the pay of which is debitable to the funds of the panchayat union council, shall be made with the prior approval of the committee.

[1][(*aa*) (i) There shall be an Agricultural Production Committee for every panchayat union, which shall be composed of the chairman of the panchayat union council who shall be the chairman of that Committee, the commissioner and three persons co-opted by the panchayat union council.

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[1] This clause was inserted by section 2(1)(*a*) of the Tamil Nadu Panchayats (Amendment) Act, 1966 (Tamil Nadu Act 17 of 1966).

(ii) No person shall be co-opted under sub-clause (i), if—

(*A*) he is a member of the panchayat union council ; or

(*B*) in the opinion of the panchayat union council, he does not possess adequate knowledge of, and experience in, agriculture.]

(*b*) There shall be an Education Committee and a General Purposes Committee in every panchayat union. The panchayat union council may, and if so required by the Government, shall appoint such other committees as may be necessary for the efficient performance of its duties and functions under this Act. Each of the committees constituted [1][under this clause] shall consist of such number of members as may be specified by the council and shall include the chairman *ex-officio*. The members of each committee [2][constituted under this clause], other than the chairman, shall be elected by the members of the panchayat union council.

(2) The panchayat union council shall have the power to co-opt as members of [3][any committee appointed under clause (*b*) of sub-section (1)] such number of persons as are not members of the panchayat union council as it may think fit:

Provided that the number of members co-opted under this sub-section shall not exceed one-third of the total number of members of the council on the committee.

(3) Subject to such rules as may be made by the Government in this behalf, the panchayat union council shall have power, by regulations made from time to time, to determine the powers and duties of every committee constituted under sub-section (1).

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1 These words were substituted for the words " under this sub-section " by section 2(1)(*b*)(i) of the Tamil Nadu Panchayats (Amendment) Act, 1966 (Tamil Nadu Act 17 of 1966).

2 These words were inserted by section 2(1)(*b*)(ii), *ibid*.

3 These words, brackets, letter and figure were substituted for the words, brackets and figure "any committee appointed under sub-section (1)" by section 2 (2)., *ibid*.

ADMINISTRATION REPORTS.

Administration reports of panchayats.

54. (1) Every panchayat shall submit to the panchayat union council a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed.

(2) The report shall be prepared by the executive authority and the panchayat shall consider it and forward the same to the panchayat union council with its resolution thereon.

Administration reports of panchayat union councils.

55. (1) Every panchayat union council shall submit to the Collector a consolidated report on its administration and on the administration of all panchayats in the panchayat union for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details and through such authority as may be prescribed.

(2) The report shall be prepared by the commissioner and the panchayat union council shall consider it and forward the same to the Collector with its resolution thereon.

(3) The Collector shall prepare a general report on the administration of panchayat union councils and panchayats in the district, place the same before the District Development Council and submit the same to the Government with a copy of the resolution of the District Development Council before such date as may be prescribed. He shall also send a copy of the report to the Inspector.

(4) The report and the resolution thereon shall be published in such manner as the Government may direct.

VALIDATION OF PROCEEDINGS.

Acts of panchayats, panchayat union councils, etc., not to be invalidated by informality, vacancy, etc.

56. No act of a panchayat or of a panchayat union council or of a committee thereof or of any person acting as president, vice-president, chairman, vice-chairman or member of such panchayat or panchayat union council or of a chairman or member of a committee shall be deemed to be invalid by reason only of a defect in the establishment of such panchayat or panchayat union council or committee, or on the ground that the president, vice-president,

chairman, vice-chairman or member of such panchayat or panchayat union council or chairman or member of a committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman, vice-chairman or member of such panchayat, panchayat union council or committee.

ESTABLISHMENT.

57. (1) The sanction of the panchayat or the panchayat union council as the case may be shall be obtained for all proposals for fixing or altering the number, designations and grades of its officers and servants and the salaries, fees and allowances payable to them.

Establishment of panchayats and panchayat union councils.

(2) Such proposals shall be taken into consideration by the panchayat or panchayat union council, as the case may be, only at the instance of the executive authority or the commissioner and the panchayat or panchayat union council may sanction the proposal with or without modifications:

Provided that no proposal adversely affecting any officer or servant of the panchayat or panchayat union council who has been in the permanent service of the panchayat or panchayat union council for more than five years and is drawing a salary of not less than fifty rupees per mensem shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to unless assented to by atleast one-half of the members then on the panchayat or the panchayat union council.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Government in the case of panchayat union councils and the Inspector in the case of panchayats shall have power to fix or alter the number, designations and grades of and the salaries, fees and allowances payable to the officers and servants of any panchayat or panchayat union council or any class of such officers and servants; and it shall not be open to the panchayat or panchayat union council to vary the number, designations, grades, salaries, fees or allowances as so fixed or altered except with the previous sanction of the Government in the case of panchayat union councils and of the Inspector in the case of panchayats.

Conditions of service of officers and servants.

58. (1) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of panchayats and panchayat union councils other than the executive officers and commissioners and the classification, methods of recruitment, pay and allowances, discipline and conduct and conditions of service of such officers and servants.

Such rules may provide for the constitution of any class of officers or servants of panchayats and panchayat union councils other than the executive officers and commissioners into a separate service for the whole or any part of the State.

(2) Subject to the provisions of this Act and any rules which the Government may make in this behalf, the panchayat union council may frame regulations in respect of officers and servants on the staff of the panchayat union council—

(*a*) fixing the amount and nature of the security to be furnished ;

(*b*) prescribing educational and other qualifications;

(*c*) regulating the grant of leave, leave allowances, acting allowances and travelling allowances ;

(*d*) regulating the grant of pensions and gratuities;

(*e*) establishing and maintaining provident funds and making contributions thereto compulsory ;

(*f*) regulating conduct ; and

(*g*) generally prescribing conditions of service :

Provided—

(i) that the amount of any leave, leave allowances, travelling allowances, pension or gratuity provided for in such regulations shall in no case without the special sanction of the Government exceed what would be admissible in the case of Government servants of similar standing and status ;

(ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

[1][(3) A rule may be made under sub-section (1) so as to have retrospective effect on and from a date not earlier than the 2nd October 1960.]

59. Two or more panchayats or two or more panchayat union councils may, subject to such rules as may be prescribed, and shall if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them. **Appointment of common officer.**

60. (1) Any officer or servant of a panchayat (including the executive officer) may be transferred to the service of any panchayat union council or any other panchayat by the Inspector: **Transfer of officers and servants.**

Provided that no officer or servant (other than the executive officer) shall be so transferred except after consulting the commissioner or the executive authorities concerned.

In making a transfer under this sub-section the Inspector may issue such general or special directions as may in his opinion be necessary for the purpose of giving due effect to such transfer.

(2) Notwithstanding anything contained in this Act or the [2][Tamil Nadu] District Municipalities Act, 1920 ([2][Tamil Nadu] Act V of 1920) any officer or servant of a panchayat union council (including the commissioner) may be transferred by the Government to the service of any other panchayat union council or any municipality constituted under the [2][Tamil Nadu] District Municipalities Act, 1920 ([2][Tamil Nadu] Act V of 1920) :

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1 This sub-section was added by section 2 of the Tamil Nadu Panchayats (Amendment) Act, 1971 (Tamil Nadu Act 21 of 1971).

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Provided that no officer or servant (other than the commissioner) shall be so transferred except after consulting the panchayat union councils or municipal councils concerned.

Any authority making a transfer under this sub-section may issue such general or special directions as may in its opinion be necessary for the purpose of giving due effect to such transfer.

Power to punish officers and servants.

61. Subject to such control as may be prescribed by the Government, the executive officer or the commissioner may censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list, or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any officer or servant in the service of the panchayat or panchayat union council as the case may be for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

Applicability of certain sections to public health establishment.

62. The provisions of sections 57 to 61 shall also apply to the public health establishments of panchayats and panchayat union councils, notwithstanding anything contained in the [1][Tamil Nadu] Public Health Act, 1939 ([1][Tamil Nadu] Act III of 1939).

CHAPTER III.—FUNCTIONS, POWERS AND PROPERTY OF PANCHAYATS AND PANCHAYAT UNION COUNCILS.

Duty of panchayat to provide for certain matters.

63. Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the village or town in respect of the following matters, namely :—

(*a*) the construction, repair and maintenance of all village roads, that is to say, all public roads in the village or town (other than those classified as National Highways, State Highways, major district roads and panchayat union roads) and of all bridges, culverts, road-dams and causeways on such roads ;

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(*b*) the lighting of public roads and public places in built-up areas ;

(*c*) the construction of drains and the disposal of drainage water and sullage [1][not including sewage];

(*d*) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits, or hollows, and other improvements of the sanitary condition of the village or town ;

(*e*) the provision of public latrines and arrangements to cleanse latrines whether public or private ;

(*f*) the opening and maintenance of burial and burning grounds ; and

(*g*) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes [2][* * *].

Power of Panchayat to provide for certain other matters.

64. Subject to the provisions of this Act and the rules made thereunder a panchayat may also make such provision as it thinks fit for carrying out the requirements of the village or town in respect of the following matters, namely :—

(*a*) the planting and preservation of trees on the sides of all public roads in the village or town subject to mutually agreed terms and conditions between the panchayat and the authority which maintains the road in case the road is not maintained by the panchayat itself ;

(*b*) the lighting of public roads and public places in areas other than built-up areas ;

(*c*) the opening and maintenance of public markets other than markets which are classified as panchayat union markets :

[3][Provided that nothing in this clause shall apply to water supply for non-irrigation purposes and to sewerage].

(*d*) the control of fairs and festivals other than those classified as panchayat union fairs and festivals ;

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1. These words were inserted by Part III (2) (i) of the Schedule to, and section 85 of the Madras Metropolitan Water Supply and Sewerage Act 1978, (Tamil Nadu Act 28 of 1978).
2. These words " and of protected water for drinking purposes " were omitted by Part III (2) (ii) of the Schedule to, and section 85 of, *ibid*.
3. This proviso was added by Part III (3) of the Schedule to and section 85 of, *ibid*.

(*e*) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds ;

(*f*) the opening and maintenance of public slaughter-houses ;

(*g*) the opening and maintenance of reading rooms;

(*h*) the establishment and maintenance of wireless receiving sets, playgrounds, parks, sports clubs and centres of physical culture ;

(*i*) the opening and maintenance of literacy centres and centres for imparting social education ; and

(*j*) the construction of works of public utility and the provision of other facilities for the safety, health, comfort, convenience, culture or recreation of the inhabitants of the village or town.

Duty of panchayat union council to provide for certain matters. 65. Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat union council, within the limits of its funds, to make reasonable provision for carrying out the requirements of the panchayat union in respect of the following matters, namely :—

(*a*) the construction, repair and maintenance of all public roads in the panchayat union which are classified as panchayat union roads and of all bridges, culverts, road-dams and causeways on such roads ;

(*b*) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

(*c*) the establishment and maintenance of maternity and child-welfare centres, including the maintenance of a "thayi" service and offering advice and assistance to mothers in family planning ;

(*d*) the construction and maintenance of poor houses, orphanages, shops, stalls, plinths, the training and employment of vaccinators, the removal of congestion of population and the provision of house-sites ;

(*e*) the opening and maintenance and expansion or improvement of elementary schools, including the payment of grants to private managements in respect of elementary schools ;

(*f*) preventive and remedial measures connected with any epidemic or with malaria ;

(*g*) the control of fairs and festivals classified by the panchayat union council as those reserved for control by it ;

(*h*) veterinary relief ;

(*i*) the extension of village-sites and the regulation of building ;

(*j*) the opening and maintenance of public markets which are classified as panchayat union markets ;

(*k*) the maintenance of statistics relating to births and deaths ;

(*l*) the establishment and maintenance of choultries ;

(*m*) improvements of agriculture, agricultural stock and the holding of agricultural shows ; and

(*n*) the promotion and encouragement of cottage industries.

Entrustment of execution of National Extension Service Scheme of Community Development to panchayat union councils

66. The Government shall as soon as may be after the constitution of a panchayat union council for a panchayat development block under this Act entrust to the panchayat union council subject to such conditions and restrictions as may be specified by the Government the execution in the panchayat development block of the National Extension Service Scheme of Community Development, including in particular, all measures relating to the development of agriculture, animal husbandry and village industries organized on an individual or co-operative basis.

Power of panchayat union council to provide for certain matters.

67. Subject to the provisions of this Act and the rules made thereunder, a panchayat union council, may within the limits of its funds, make such provision as if thinks fit for carrying out the requirements of the panchayat union in respect of measures of public utility other than those specified in section 65, calculated to promote the safety, health, comfort or convenience of the inhabitance of the Panchayat Union:

[1][Provided that nothing in this clause shall apply to water supply for non-irrigation purposes and to sewerage].

Common [* * *] burial and burning grounds, etc.

68. Subject to the provisions of this Act and the rules made thereunder two or more panchayats—

(i) may construct and maintain water-works for supply of water for washing and bathing purposes [3][* * *] from a common source and may also provide a common burrial and burning ground, and

(ii) may entrust to the panchayat union council with its consent and on such terms as may be agreed upon, the management of any institution or the excution or maintenance of any work.

Lighting of public roads and public places.

69. Notwithstanding anything contained in section 64, clause (b), the Government may, by general or special order, direct any panchayat or panchayat union council to provide for the lighting of public roads and public places within its jurisdiction and it shall be the duty of the panchayat or panchayat union council to provide for such lighting :

Provided that where such a direction is given, the Government shall make such provision for the cost of lighting as they may consider reasonable and the decision of the Government shall be final.

Maintenance of common dispensaries, child-welfare centres, etc.

70. Subject to the provisions of this Act, and the rules made thereunder, two or more panchayat union councils may establish and maintain common dispensaries, child welfare centres and institutions of such other kind as may be prescribed.

Transfer of immovable property, management of institutions, execution or maintenance of works, etc., to a panchayat.

71. (1) The panchayat union council may, subject to such control as may be prescribed, by notification, declare that any immovable property vested in itself shall vest in any panchayat in the same panchayat union, and such property shall, from the date specified in the said notification, vest accordingly.

(2) Subject to such rules as may be prescribed, the Government, the Board of Revenue, the Collector or Revenue Divisional Officer, the panchayat union council or the

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[1] This proviso was added by Part III (4) of the Schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

[2] The words "water works and" were omitted by Part III (5) (a) of the Schedule to, and section 85 of *ibid*.

[3] The words "[illegible] drinking purposes" were [illegible] and section 85 [illegible]

Commissioner, or any person or body of persons, may transfer to the panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, whether within or without the village or town, and whether provided for in this Act or not.

Transfer to panchayats of unreserved forests and other institutions or works.

72. (1) (*a*) All unreserved forests in the village at the commencement of this Act shall vest in the panchayat and be administered by it for the benefit of such village.

(b) In respect of every forest so vested, the panchayat shall, if so required by the Collector, pay to the Government such rent as the Collector may, from time to time, subject to the control of the Board of Revenue, fix in this behalf.

(2) (*a*) If the Revenue Divisional Officer is of opinion that a panchayat is not administering properly a forest vesting in it under sub-section (1), he may by order, withdraw such forest from the control of the panchayat for such period as may be specified in the order, not exceeding the period, if any, prescribed in this behalf. He may in respect of such forest direct that it be vested in the panchayat union council and be administered by it.

(*b*) The Revenue Divisional Officer may, from time to time, by order, extend the period specified in any order issued under clause (*a*).

(*c*) Before issuing an order under clause (*a*) or (*b*), a reasonable opportunity shall be given to the panchayat to show cause against such issue.

(*d*) when an order is issued under clause (*a*) or (*b*), the panchayat concerned may, within three months of the service of the order, appeal against it to the Collector; and the Collector may confirm, modify or reverse the order.

(3) The Board of Revenue may, in its discretion at any time, either *suo motu* or on application, call for and examine the record of any order issued by the Revenue Divisional Officer or the Collector under sub-section (2) for the purpose of satisfying itself as to the legality or property of such order, and may pass such order in reference thereto as it thinks it.

Power of Government to resume possession of unreserved forest vested in panchayat and payment of compensation, etc.

[1][72-A. (1) If in the opinion of the Government any unreserved forest vested in a panchayat under section 72 is required for any public purpose, they may, by notification, resume the possession and administration of such unreserved forest and upon such resumption by the Government, all rights and interests created in or over such unreserved forest before such resumption shall as against the Government cease and determine.

(2) Whenever the possession and administration of such unreserved forest is resumed by the Government under sub-section (1), there shall be paid to the panchayat concerned compensation for any improvement made by such panchayat in such unreserved forest, as determined in the manner hereinafter provided by the District Collector within whose jurisdiction such unreserved forest is situate.

Explanation.—For the purposes of this sub-section, 'improvement' means any work or product of a work which adds to the value of the unreserved forest or is suitable to it and consistent with the purpose for which it was vested in the panchayat and shall include the following works or the products of such works—

(*a*) the erection of buildings or any other structure, the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes ;

(*b*) the preparation of land for irrigation ;

(*c*) the reclamation clearance, enclosure or permanent improvement of land for agricultural purposes ;

(*d*) the renewal or reconstruction of any of the foregoing works or alterations therein or addition thereto ;

(*e*) the planting or protection and maintenance of fruit trees, timber-trees and other useful trees and plants.

[1] This section was inserted by section 2 of the Tamil Nadu Panchayats (Second Amendment and Validation) Act, 1970 (Tamil Nadu Act 12 of 1971), which was deemed to have come into force on the 1st January 1960.

(3) The compensation payable in respect of the improvements referred to in clauses (a) to (d) of the *Explanation* to sub-section (2) shall be the actual value of such improvements as on the date of resumption of the unreserved forest by the Government which shall include actual cost of the labour, supervision thereof, and of the materials, together with other expenditure, if any, which would be required to make such improvements, less a reasonable deduction on account of the determination, if any, which may have taken place from age or other cause. The compensation payable in respect of improvement referred to in clause (e) of the *Explanation* to sub-section (2) shall be such sum which the trees or plants might reasonably be expected to realise if sold by public auction to be cut and carried away at the time of resumption of the unreserved forest by the Government:

Provided that in computing the actual value of such improvements, the value of the unreserved forest to which such improvements have been made shall not be taken into account:

Provided further that if any grant for the purpose of making such improvements has been paid by the Government to the panchayat concerned, then, the amount of such grant paid shall be deducted from the amount of compensation payable in respect of such improvements:

Provided also that in the case of trees and plants in the unreserved forest which are of spontaneous growth the compensation payable in respect of such trees and plants shall be the proper cost of protection and maintenance of such trees and plants.

(4) The amount of compensation referred to in sub-section (2) shall be given to every panchayat, at its option,—

(*a*) in cash in such annual instalments with interest at such rates as may be prescribed, or

(*b*) in saleable or otherwise transferable promissory notes or other securities or stock certificates of the Government, or

(*c*) partly in cash or partly in such securities specified in clause (*b*), as may be required by the panchayats.

(5) The option of the panchayat referred to in sub-section (4) shall be exercised by such panchayat before the expiry of a period of three months from the date of resumption of the possession and administration of the unreserved forest by the Government and the option so exercised shall be final and shall not be altered or rescinded after it has been exercised. Any panchayat which omits or fails to exercise the option referred to in sub-section (4) within the time specified above shall be deemed to have opted for payment in securities and stock certificates referred to in clause (b) of sub-section (4). The amount of compensation payable in instalments shall be paid, and the securities and stock certificates referred to in clause (b) of sub-section (4) shall be issued, within sixty days from the date of receipt by the Government of the option referred to above or where no such option has been exercised from the date before which such option ought to have been exercised.

(6) Any panchayat aggrieved by an order relating to compensation under this section may appeal to the Board of Revenue within such period and in such manner as may be prescribed. The order of the Board of Revenue on such appeal and where no appeal is preferred, the order which has not been appealed against, shall be final and shall not be called in question in any court of law.]

Power of Board of Revenue to transfer or resume control of endowments and inams.

73. (1) (*a*) Subject to the control of the Government, the Board of Revenue may, by notification, make over to a panchayat union council, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the [1][Tamil Nadu] Endowments and Escheats Regulation, 1817 ([1][Tamil Nadu] Regulation VII of 1817); and thereupon all powers and duties attaching to the Board of Revenue in respect thereof shall attach to the panchayat union council as if it had been specially named in the said Regulation, and the panchayat union council shall manage and superintend such endowment.

[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(b) The Board of Revenue may, of its own motion and shall on a direction from the Government, by notification, resume the management and superintendence of any endowment made over to a panchayat union council under clause (a) and upon such resumption, all the powers and duties attaching to the panchayat union council in respect of the endowment shall cease and determine.

(2) The Government may assign to a panchayat union council with its consent, a charitable inam, resumed by the Government or any other authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such panchayat union council may be applied; and may revoke any assignment so made.

(3) The Management and superintendence of any charitable endowment which immediately before the constitution of a panchayat union council for any panchayat development block under this Act was vested in a district board under the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1929) shall, on such constitution, vest in the panchayat union council exercising jurisdiction over the place where the endowment is situated.

Government's power to add to functions of panchayat union council.

74. Subject to such rules as may be prescribed, the Government, the Board of Revenue, the Collector or Revenue Divisional Officer or any person or body of persons may transfer to the panchayat union council with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty whether within or without the panchayat union and whether provided for in this Act or not.

Limitation of power to accepting donations and trusts.

75. A panchayat or a panchayat union council may accept donations for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied.

Vesting of public roads in panchayats.

76. (1) All public roads in any village or town (other than roads which are classified by the Government as National Highways or State Highways or as major district roads or as panchayat union roads) shall vest in the panchayat together with all pavements, stones, and other materials

[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

thereof, all works, materials and other things provided therefor, all [1][* * *] drains, drainage works, tunnels and culverts whether made at the cost of the panchayat or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notificaion, exclude from the operation of this Act any such public road, [2][***] drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

Vesting of public roads in panchayat union councils.

77. (1) All public roads in any panchayat union which are classified as panchayat union roads shall vest in the panchayat union council together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all [3][***] drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat union council or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

(2) The Government may, by notification, exclude from the operation of this Act any panchayat union road [4][***] drain, drainage work, tunnel or culvert and may also modify or cancel such notification.

Duty of panchayat in respect of public roads excluded from the operation of the Act.

78. Where any public road has been excluded from the operation of this Act under sub-section (2) of section 76 or sub-section (2) of section 77 and placed under the control of the Highways Department of Government (hereinafter referred to as the Highways Department), the panchayat may and if so required by the Government shall make provision—

(*a*) for the watering and maintenance of the drainage of such road;

(*b*) for the provision, maintenance and repair of the [5][* * *] drains [5][* * *] in, alongside or under such road;

(*c*) for the provision, maintenance and repair of foot-ways attached to such road:

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[1] The word "sewers" was omitted by part III (6) (i) of the Schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

[2] The word "sewer" was omitted by Part III (6) (ii) of the Schedule to, and section 85 of, *ibid*.

[3] The word "sewers" was omitted by Part III (7) (i) of the Schedule to, and section 85 of, *ibid*.

[4] The word "sewer" was omitted by Part III 7 (ii) of the Schedule to, and section 85 of *ibid*.

[5] The words "water supply mains" and "and sewers" were omitted by Part III (8) of the Schedule to, and section 85 of, *ibid*.

Provided that where in the carrying out of the above provisions it is necessary for the panchayat to open and break up the soil or pavement of any such road, the panchayat shall obtain the previous consent of such officer the Highways Department as the Government may by general or special order, specify :

Provided further that in cases of emergency the panchayat may, without such consent, open and break up the soil or pavement of any such street, but shall, as far as practicable, restore such soil or pavement to the condition in which it was immediately before it was opened and broken up; and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso :

Provided also that where the execution of any work is required by the Government, the Government shall make provision for the cost thereof.

Precautions in case of dangerous structures.

79. (1) If any structure adjoining a public road vested in a panchayat union council or a panchayat appears to the commissioner or the executive authority, as the case may be, to be in a ruinous state and dangerous to the passers by, the commissioner or executive authority may, by notice, require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner or executive authority shall himself, before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any road or take such temporary measures as he may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner or occupier in the manner hereinafter provided.

Precautions in case of dangerous trees.

80. (1) If any tree or any branch of a tree standing on land adjoining a public road vested in a panchayat union council or panchayat appears to the commissioner or executive authority to be likely to fall and thereby endanger any person using, or any structure on such road, the commissioner or executive authority may, by notice, require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner or executive authority shall himself, before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or fence off a part of the public road or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner hereinafter provided.

Fencing of buildings or lands and pruning of hedges and trees.

81. Where a public road is vested in a panchayat union council or panchayat, the commissioner or executive authority may, by public notice, require the owner or occupier of any building or land near such road to—

(*a*) fence the same to the satisfaction of the commissioner or executive authority;

(*b*) trim or prune any hedges bordering on such road so that they may not exceed such height from the level of the adjoining roadway as the commissioner or executive authority; may determine; or

(*c*) cut and trim any hedges or trees overhanging such road and obstructing it or the view of traffic or causing it damage; or

(*d*) lower an enclosing wall or fence which, by reason of its height and situation, obstructs the view of traffic so as to cause danger.

Prohibition against obstructions in or over public roads, etc.

82. (1) No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any licence made requisite by such rules—

(*a*) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road;

(*b*) make any hole or deposit any matter in or upon any public road;

(*c*) work a quarry in or remove stone, earth or other material from any place within twenty yards of a public road or of other immovable property vesting in or belonging to a panchayat or a panchayat union council, provided that nothing in this clause shall be deemed to apply to any work which, in the opinion of the Inspector, is done in connection with a *bona fide* agricultural operation;

(*d*) erect any building over any [1][* * *] or drain or any part thereof ;

(*e*) plant any tree on any public road or other property vesting in or belonging to a panchayat or a panchayat union council ; or

(*f*) fell, remove, destory, lop or strip bark, leaves, or fruits from, or otherwise damage, any tree which is growing on any such public road or other property or on any poramboke or land, the use of which is regulated by a panchayat under section 86 or section 87 and the right to which has not been established by such person as vesting in or belonging to him.

(2) It shall be the duty of the karnam of every revenue village to report on encroachments on properties vested in panchayats or panchayat union councils, to the executive authority or the commissioner concerned and to the officer of the Revenue Depatrment, and it shall be the duty of the executive authority or the commissioner concerned to institute proceedings under this Act and secure the removal of the encroachments within such time as may as specified by the Government by general or special order. If the removal of the encroachments has not been secured within the period specified in such order, the officers of the Revenue Department shall institute proceedings under the [2][Tamil Nadu] Land Encroachment Act, 1905 ([2][Tamil Nadu] Act III of 1905), and secure such removal.

Vesting of communal property or income in panchayat.

83. Any property or income including any fishery right which by custom belongs to, or has been administered for the common benefit of the inhabitants of the village or town, or of the holders in common of village land generally or of the holders of lands of a particular description or of the holders of lands under a particular source of irrigation shall, if so declared by the Government, vest in the panchayat and be administered by it for the benefit of the inhabitants or holders aforesaid.

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[1] The words "sewer or" were omitted by Part III (g) of the Schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

[2] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[1][84. *** *** ***].

Maintenance of irrigation works, excution of kudimaramat, etc.

85. (1) Subject to such conditions and control as may be prescribed, the Government may transfer to any panchayat or to any panchayat union council the protection and maintenance of any irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it.

(2) The panchayat, or the panchayat union council shall have power, subject to such restrictions and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village or town and to levy such fee and on such basis for the purposes thereof as may be prescribed :

Provided that nothing contained in this section shall be deemed to relieve the village community or any of its members of its or his liability under the [2][Tamil Nadu] Compulsory Labour Act, 1858 (Central Act I of 1858), in respect of any irrigation source in the village or town, in case the panchayat makes default in executing the kudimaramat in respect of that irrigation source.

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[1] The following section 84 was omitted by Part III (10) of the Schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978):—

84. Vesting of water-works in panchayats-(1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water-works (including those used by the public to such an extent as to give a prescriptive right to their use whether existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the panchayat or otherwise and also any adjacent land (not being private property) appertaining thereto, shall vest in the panchayat and be subjcet to its control:

Provided that nothing contained in this sub-section shall apply to any work which is, or is connected with a work irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, be notification, define or limit such control or may assume the administration of any public source of water supply and public land adjacent and appertaining thereto after consulting the panchayat and giving due regard to its objections, if any.]

[2] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(3) Where the maintenance of any irrigation work is transferred under this section, the fishery rights of Government in such work shall be transferred to and be vested in the panchayat or the panchayat union council, as the case may be, subject to such terms and conditions including terms and conditions regarding the utilization of the income, as may be specified by the Government.

Panchayat to regulate the use of certain porambokes in ryotwari tracts.

86. (1) The provisions of this section shall apply only in ryotwari tracts.

(2) The following porambokes, namely, grazing grounds, threshing floors, burning and burial-grounds, cattle-stands, cart-stands and topes shall vest in the panchayat, and the panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of such porambokes, provided the porambokes are at the disposal of the Government.

(3) The Collector, after consulting the panchayat, may, by notification, exclude from the operation of this Act, any poramboke referred to in sub-section (2), and may also modifiy or cancel such notification.

(4) The panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the panchayat is authorized in that behalf by an order of the Government.

(5) The panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (2) or sub-section (4).

Panchayat to regulate the use of certain communal lands in estates governed by the[1][Tamil Nadu] Estates Land Act, 1908.

87. (1) In estates governed by the [1][Tamil Nadu] Estates Land Act, 1908 ([1][Tamil Nadu] Act I of 1908), notwithstanding anything contained in that Act, the panchayat shall have power subject to such restrictions and control as may be prescribed—

(*a*) To regulate the use of lands which are set apart for any of the purposes referred to in sub-clause (*b*) of clause (16) of section 3 of the said Act, namely, threshing floors, cattle-stand, village-sites and other lands situated in the village or town which are set apart for the common use of the inhabitants of such village or town ;

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[1] These word were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(*b*) to exercise the power vested in the District Collector by section 20-A of the said Act, namely, to direct that any land referred to in clause (*a*) which is no longer required for its original purpose shall be used for any other specified communal purpose, provided that the sanction of the District Collector is obtained therefor; and

(*c*) to plant trees on any land the use of which is regulated by the panchayat under clause (*a*).

Nothing contained in clause (*b*) shall be deemed to affect in any way the operation of the provisos to sub-section (1) of the said section 20-A.

(2) After an estate ceases to be governed by the [1][Tamil Nadu] Estates Land Act, 1908 ([1][Tamil Nadu] Act I of 1908), the provisions of sub-section (1) shall apply to the lands referred to in that sub-section, to such extent and with such modifications, as may be prescribed.

Collected [2][rubbish,] etc., to belong to panchayat.

88. All rubbish, [3][* *] filth and other matter collected by a panchayat under this Act shall belong to it.

Immovable property required by panchayats may be acquired under the Land Acquisition Act, 1894.

89. Any immovable property which any panchayat or panchayat union council is authorised by this Act or any rules made thereunder to acquire may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act I of 1894), and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the panchayat or panchayat union council as the case may be.

Contributions from persons having control over placss of pilgrimage, etc.

90. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs or festivals or for other like purposes is situated within the limits of a village or town or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangement necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the panchayat; but the Government

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 This word was substituted for the word "sewage" by Part III (11) (a) of the Schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

3 The word "sewage" was omitted by Part III (11) (b) of the Schedule to, and section 85 of, *ibid*.

may after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the panchayat as they may determine.

91. In the event of the prevalence of any dangerous disease within a panchayat development block or a village or town, the commissioner may by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as he may fix. **Power to order closure of places of public entertainment.**

92. No person being the parent or having the care of charge of a minor who is or has been suffering from dangerous disease or has been exposed to infection therefrom shall, after a notice from the commissioner or any person duly appointed by such commissioner in this behalf that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the commissioner or such person or a registered medical practitioner a certificate that in his opinion such minor may attend without risk of communicating such disease to others. **Minor suffering from dangerous disease not to attend schools.**

Explanation,—In this section and in section 91 "dangerous disease" means an infectious disease within the meaning of section 52 of the [1][Tamil Nadu] Public health Act, 1939 ([1][Tamil Nadu] Act III of 1939), which is notified as a dangerous disease by the Government.

93. The panchayat union council shall enforce vaccination throughout the panchayat union, and it may enforce revaccination throughout the panchayat union or in any part thereof, in respect of such persons, to such extent, and in such manner as may be prescribed. **Compulsory vaccination.**

94. Where an inmate of any dwelling place is suffering from smallpox or cholera the head of the family to which the inmate belongs and in default the occupier or person in charge of such place, shall give intimation of the fact to the commissioner or the village headman with the least possible delay. **Obligation to give information of small pox or cholera.**

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Precautions in case of dangerous tanks, wells, holes, etc.

95. (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to him to be, for want of sufficient repair, protection or enclosure, dangerous to the public health or safety the commissioner or executive authority may with the approval of the panchayat union council or panchayat as the case may be, by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, he shall, before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent danger, and the cost of doing so shall be recoverable from the owner in the manner hereinafter provided.

Removal of filth or noxious vegetation from lands and buildings.

96. (1) The commissioner or executive authority may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or dangerous to the public or offensive to the neighbourhood, or otherwise a source of nuisance, to clear, cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth or to take such other action as may be deemed by the commissioner or executive authority necessary to remove such nuisance within such period and in such manner as may be specified in the notice.

(2) If it appears to the commissioner or executive authority necessary for sanitary purposes so to do, he may by notice require the owner or occupier of any building or land to cleanse or lime-wash the same in the manner and within a period to be specified in the notice.

Power of commissioner or executive authority to use or sell materials of dangerous structure taken down, etc.

97. (1) When the commissioner or executive authority takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof in virtue of his powers under this chapter, the commissioner or executive authority may sell the materials or things taken down, cut down or removed and apply the proceeds in, or towards payment of the expenses incurred.

(2) If after a reasonable enquiry it appears to the commissioner or executive authority that there is no owner or occupier to whom notice can be given under any section in this chapter, he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expenses incurred by the sale of such property (not being immovable property) or of any portion thereof.

98. No person shall be entitled, save as otherwise expressly provided, to compensation for any damages sustained by reason of any action taken by the authorities of a panchayat union council or a panchayat in pursuance or their powers under this chapter. **Limitation of compensation.**

99. (1) The panchayat union council may after obtaining the previous written permission of the Inspector, provide places for use as public markets and, with the sanction of the Inspector, close any such market or part thereof. **Public markets.**

(2) Subject to such rules as may be prescribed, the panchayat or panchayat union council may after obtaining the previous written permission of the Inspector levy any one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in that behalf as the panchayat union council or panchayat may think fit :—

(*a*) fees for the use of, or for the right to expose goods for sale in such market ;

(*b*) fees for the use of shops, stalls, pens or stands in such market ;

(*c*) fees on vehicles (including motor vehicles as defined in the Motor Vehicles Act, 1939 (Central Act IV of 1939), or pack animals bringing, or on persons taking into such market any goods for sale ;

(*d*) fees on animals brought for sale into or sold in such market ;

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

Licensing of Private markets.

100. (1) No person shall open a new private market or continue to keep open a private market unless he has obtained a licence from the panchayat or panchayat union council as the case may be to do so. Such licence shall be renewed every year.

(2) (*a*) The panchayat or panchayat union council as the case may be shall grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation [1][* * *], weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.

(*b*) The panchayat or panchayat union council as the case may be may modify the conditions of the licence to take effect from a specified date.

(*c*) The panchayat or panchayat union council as the case may be may, at any time, suspend or cancel any licence granted under clause (*a*) for breach of the conditions thereof.

(*d*) Any person aggrieved by an order of the panchayat or panchayat union council under clause (*a*), (*b*) or (*c*) may appeal against such order to the Inspector who may, if he thinks fit, suspend the execution of the order pending the disposal of the appeal.

(3) (*a*) Any person claiming to levy in a private market lawfully established prior to the coming into force of the Madras Local Boards Act, 1884 (Madras Act V of 1884), fees of the nature specified in section 99, sub-section (2), shall apply to the Inspector for a certificate recognizing his right in that behalf; and the Inspector shall pass orders on such application after giving due notice to the panchayat or panchayat union council, as the case may be, and considering any representations made by it.

(*b*) Any person aggrieved by an order of the Inspector refusing to grant a certificate under clause (*a*) may, within six months from the date of communication of such order, institute a suit to establish the right claimed by him, and subject to the result of such suit, the Inspector's order shall be final.

(4) When a licence granted under sub-section (2) does not permit the levy of any fee, it shall be granted free of charges; but when such permission is given, a

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[1] The words "and water-supply" were omitted by part III (12) of the schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

fee not exceeding 15 per cent of the gross income of the owner from the market in the preceding year shall be charged by the panchayat or panchayat union council, as the case may be for such licence.

(5) The panchayat or panchayat union council as the case may be or any officer duly authorized by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

Decision of disputes as to whether places are markets.

101. If any question arises as to whether any place is a market or not, the panchayat or panchayat union council, as the case may be, shall make a reference thereon to the Government and their decision shall be final.

Prohibition of sale in unlicensed private markets, etc.

102. No person shall sell or expose for sale any animal or article—

(*a*) in any public or licensed private market without the permission of the executive authority or commissioner or licensee, as the case may be, or of any person authorized by him, or

(*b*) in any unlicensed private market.

Prohibition against sale in public roads.

103. The executive authority or commissioner may, with the sanction of the panchayat or panchayat union council, as the case may be, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

Classification of markets.

104. The Government shall have power to classify public and private markets situated in a panchayat development block as panchayat union markets and panchayat markets, and provide for the control of any such market, and for the apportionment of the income derived therefrom between the panchayat union council and the panchayat or the payment of a contribution in respect thereof to the panchayat or the panchayat union council, as the case may be.

It shall be open to the Government to revise from time to time the apportionment of income ordered or the contribution directed to be paid under this section if such revision is recommended by the District Development Council.

Acquisition of right of persons to hold private market.

105. (i) A panchayat union council may acquire the rights of any person to hold a private market in any place in a panchayat development block and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894 (Central Act I of 1894) and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the panchayat union council of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the panchayat union council.

Public landing places and cart-stands, etc.

106. Subject to such rules as may be prescribed, the panchayat may—

(*a*) provide public landing places, halting places and cart-stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use ; and

(*b*) where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance thereof of any public place or the sides of any public road as the panchayat may, subject to the control of the Inspector, specify.

Private cart-stand.

107. (1) No person shall open a new private cart-stand or continue to keep open a private cart stand unless he obtains from the panchayat a licence to do so. Such licence shall be renewed every year.

(2) The panchayat shall, as regards private cart-stands already lawfully established, and may at its discretion as regards new private cart-stands, grant the licence applied for, subject to such conditions as the panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed ; or the panchayat may refuse to grant such licence for any new cart-stand.

(3) The panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The panchayat may levy on every grant or renewal of a licence under this section, a fee not exceeding two hundred rupees.

Public slaughter-houses.

108. A panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use.

Prohibition or regulation of the use of places for slaughtering animals and the licensing of slaughterers.

109. The Government shall have power to make rules for—

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter-houses ;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public ; and

(c) the inspection of slaughter houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

[1][Numbering or naming of building, etc.]

110. (1) In any area to which this Act applies, such authority as may be preseribed in this behalf, may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

[2][(1-A) With the approval of the Government, the panchayat or the panchayat union council shall give name to new village road or panchayat union road, as the case may be, and shall also give name to park, play-ground, bus-stand, arch or new property belonging to, or vesting in, panchayat, or panchayat union counci and may, subject to the approval of the Government, alter the name of any such road, park, play-ground, bus-stand, arch or property :

Provided that no such road, park, playground, bus-stand, arch or property shall be named after a living person irrespective of his status or the office occupied by him.]

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[1] These words were substituted for the words "*Numbering of buildings*" by section 6 (*a*) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1979 (Tamil Nadu Act 30 of 1979).

[2] This sub-section was inserted by section 6 (*b*) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1979 (Tamil Nadu Act 30 of 1979).

(2) No person shall, without lawful authority, destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced ; and if he fails to do so, the authority referred to in sub-section (1) may by notice require him to replace it.

Purposes for which places may not be used without a licence.

111. (1) The Government may, by notification specify the purposes which, in their opinion, are likely to be offensive or dangerous to human life or health or property.

(2) (i) The panchayat union council in the case of panchayat villages may, with the previous approval of the prescribed authority, notify that no place within the limits of any panchayat village in the panchayat development block or within the limits of such panchayat village or villages as may be specified in the notification shall be used for any of the purposes specified in the notification issued under sub-section (1) without a licence and except in accordance with the conditions specified in such licence.

(ii) The town panchayat may, with the previous approval of the prescribed authority, notify that no place within the limits of the panchayat town shall be used for any of the purposes specified in the notification issued under sub-section (1) without a licence and except in accordance with the conditions specified in such licence.

(3) No notification issued under sub-section (1) or sub-section (2) shall take effect until sixty days from the date of its publication.

(4) The executive officer in the case of panchayat towns and the commissioner in the case of panchayat villages shall be the authority competent to grant the licence or to refuse to grant it.

Permission for the construction of factories and the installation of machinery.

112. No person shall, without the permission of the panchayat union council in panchayat villages and the town panchayat in a panchayat town and except in accordance with the conditions specified in such permission—

(a) construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(*b*) install in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

Power of Government to make rules in respect of the grant and renewal of licences and permissions.

113. (1) The Government may make rules—

(*a*) prohibiting or regulating the grant or renewal of licences under section 111 and the period for which such licences shall be valid ;

(*b*) as to the time within which applications for such licenses or renewals thereof shall be made ; and

(*c*) prohibiting or regulating the grant of permissions under section 112.

(2) Rules made under clause (*c*) of sub-section (1) may empower the panchayat union council in panchayat villages and the town panchayat in a panchayat town to set apart specified areas for industrial purposes and provide for the refusal of permissions under section 112 in respect of any factory, workshop, workplace or premises outside such areas and also, subject to the sanction of the prescribed authority for the removal to such areas, of any factory, workshop or workplace which has been already established at any place, or any machinery which has already been installed in any premises, situated outside such areas :

Provided that no such rule shall authorize the removal of any factory, workshop or workplace or machinery installed in any premises, in the occupation or under the control of the Central or the State Government or of a market committee established under the *Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933).

(3) The Government may either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 111 or section 112.

(4) The income derived from fees on licences under section 111 and on permissions under section 112 shall, if received by the panchayat union council, be credited to the

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**See* now the Tamil Nadu Agricultural Produce Markets Act, 1959 (Tamil Nadu Act 23 of 1959.)

funds of the village panchayat concerned and if received by the town panchayat be credited to the funds of that town panchayat.

APPLICATION OF THE [1][TAMIL NADU] PLACES OF PUBLIC RESORT ACT, 1888.

Modification of the [1][Tamil Nadu] Places of Public Resort Act, 1888.

114. Notwithstanding anything contained in the [1][Tamil Nadu] Places of Public Resort Act, 1888 ([1][Tamil Nadu] Act II of 1888), when the Government extend that Act to any village, town or part thereof—

(*a*) the authority to whom application shall be made for a licence under that Act in respect of any place or building to be used exclusively for purposes other than the holding of cinematograph exhibitions, and who may grant or refuse such licence, shall be the executive officer in the case of panchayat towns and the commissioner in the case of panchayat villages ;

(*b*) the appeal from the order of the executive officer or the commissioner granting, refusing, revoking or suspending a licence, shall lie to the town panchayat or the panchayat union council as the case may be ;

(*c*) the income derived from fees on licences under this section shall, if received by the panchayat union council be credited to the funds of the village panchayats concerned and if received by the town panchayat, be credited to the funds of that town panchayat.

CHAPTER IV.--TAXATION AND FINANCE.

Local cess.

115. (1) There shall be levied in every panchayat development block, a local cess at the rate of 45 naye Paise on every rupee of land revenue payable to the Government in respect of any land for every fasli.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[1][*Explanation.*—In this section and in section 116, 'land revenue' means public revenue due on land and includes water cess payable to the Government for water supplied or used for the irrigation of land, royalty, lease amount or other sum payable to the Government in respect of land held direct from the Government on lease or licence, but does not include any other cess or the surcharge payable under section 116, provided that land revenue remitted shall not be deemed to be land revenue payable for the purpose of this section.]

(2) The local cess payable under sub-section (1) shall be deemed to be public revenue due on all the lands in respect of which a person is liable to pay local cess and all the said lands, the buildings upon the said lands and their products shall be regarded as the security for the local cess.

(3) The provisions of the [2][Tamil Nadu] Revenue Recovery Act, 1864 ([2][Tamil Nadu] Act II of 1864), shall apply to the payment and recovery of the local cess payable under this Act just as they apply to the payment and, recovery of the revenue due upon the lands in respect of which the local cess under this Act is payable.

(4) (*a*) Out of the proceeds of the local cess so collected in every panchayat development block, a sum representing four-ninths of the proceeds shall be credited to the Panchayat Union (Education) Fund.

(*b*) Out of the proceeds of the local cess collected in every panchayat town in a panchayat development block, a sum representing two-ninths of the said proceeds shall be credited to the town panchayat fund.

(*c*) Out of the balance of the proceeds of the local cess collected in the panchayat development block, such percentage as the panchayat union council may fix shall be credited to the village panchayat fund, and the percentage shall be fixed so as to secure as nearly as may be that the total income derived by all the village panchayats in the

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[1] This Explanation was substituted and was deemed always to have been substituted for the original Explanation by section 13 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964.)

[2] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

panchayat union does not fall short of an amount calculated at 20 naye Paise for each individual of the village population in the panchayat union.

(*d*) The balance of the proceeds of the local cess collected in the panchayat development block shall be credited to the funds of the panchayat union council.

Local cess surcharge. *116. Every panchayat union council may levy on every person liable to pay land revenue to the Government in respect of any land in the panchayat union a local cess surcharge at such rate as may be considered suitable as an addition to the local cess levied in the panchayat development block under section 115 provided that the rate of local cess surcharge so levied [1][[2](shall not exceed two rupees and fifty paise on every rupee of land revenue) payable in respect of such land].

Rules regarding collection of local cess. 117. The Government may make rules not inconsistent with this Act for regulating the collection of the local cess, the payment thereof to the panchayats and panchayat union councils and the deduction of any expenses incurred by the Government in the collection thereof.

Land Revenue Assignment. 118. The Government shall pay to each panchayat union council a sum representing one rupee for each individual of the population of the panchayat development block concerned from out of the total land revenue (including water-cess) collected in the State during that year. The sum thus credited to the panchayat union council shall be referred to as the Land Revenue Assignment of that block.

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[1] These words were substituted for the words "shall be subject to such maximum as may be prescribed" by section 3 of the Tamil Nadu Panchayats' (Second Amendment and Validation) Act, 1970 (Tamil Nadu Act 12 of 1971).

[2] These words were substituted for the words "shall not exceed one rupee and fifty paise on every rupee of land revenue" by section 2 of the Tamil Nadu Panchayats (Amendment) Act, 1972 (Tamil Nadu Act 15 of 1972).

* The levy or collection of local cess surcharge by a panchayat union council under the principal Act prior to the commencement of section 3 of Tamil Nadu Act 12 of 1971 was validated by section 6 of the latter Act. (The High Court of Madras in its judgment dated 12th April 1979 in W.P. Nos. 280/74, 2594/74, etc., has however held that all levies and collections of local cess surcharge under section 116 prior to the coming into force of section 3 of Tamil Nadu Act 12 of 1971 continue to be invalid notwithstanding section 6 thereof.

119. (1) Every village panchayat shall levy in the village and every town panchayat shall levy in the town a house-tax, a profession-tax and a vehicle tax. **Taxes leviable by panchayats.**

(2) A duty shall also be levied in every panchayat village and every panchayat town on certain transfers of property in accordance with the provisions of section 124.

(3) Subject to such rules as may be prescribed and with the sanction of the Inspector and subject to such restrictions and conditions, if any, as may be imposed by him either at the time of granting sanction or later, the panchayat may also levy in the village or town as the case may be a tax on agricultural land for a specific purpose.

120. (1) The house-tax shall be levied on all houses in every village and town on the basis on which such tax was levied in the local area concerned immediately before the commencement of this Act : **House-tax.**

Provided that the Government may by rules prescribe that the tax shall be levied on the basis of classified plinth area or on the basis of annual rent value or capital value or on a combination of any two or more of the above basis.

(2) The house-tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

[1][(3) The Government shall, by notification, determine in regard to any village or town or any class of villages or towns whether the house-tax shall be levied every half-year or year and in so doing have regard to the following matters, namely :—

(i) the classification of the local areas under section 3 ;

(ii) the annual receipts of the panchayat ;

(iii) the population of the village or town and the predominant occupation of such population ; and

(iv) such other matters as may be prescribed.

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[1] The words " The house-tax shall be levied every year" were substituted for the words " The house-tax shall be levied every half year " by section 4 (1) of the Tamil Nadu Panchayats (Amendment) Act, 1965 (Tamil Nadu Act 38 of 1965) ; and for sub-section (3) as so amended sub-sections (3) and (3-A) were substituted by section 2 (1) of the Tamil Nadu Panchayats (Amendment) Act, 1969 (Tamil Nadu Act 8 of 1969).

(3-A) Subject to the provisions of sub-section (3), the house-tax shall be levied at such rates as the panchayat may fix in regard to such basis of levy specified in column (1) of Schedule I, as the panchayat may adopt, not being less than the minimum rates and not exceeding the maximum rates specified in the corresponding entries—

(i) in column (2) of that Schedule, if the tax is levied every half-year, and

(ii) in column (3) thereof, if it is levied every year.]

(4) The Government may make rules providing for—

(i) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation ;

(ii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses ;

(iii) the grant of vacancy and other remissions ;

(iv) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from the village or town, [1][during any half-year or year], shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Profession tax. 121. (1) The profession-tax, shall, subject to such rules as may be prescribed, be levied every half-year in every village or town on—

(i) every company which transacts business in such village or town for not less than sixty days in the aggregate in that half-year ; and

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[1] The words "during any year" were substituted for the words "during any half-year" by section 4 (2) of the Tamil Nadu Panchayats (Amendment) Act, 1965 (Tamil Nadu Act 38 of 1965) ; and for the words "during any year" the words "during any half-year or year" were substituted by section 2 (2) of the Tamil Nadu Panchayats (Amendment) Act, 1969 (Tamil Nadu Act 8 of 1969).

(ii) every person, who, in that half-year—

(*a*) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within such village or town for not less than sixty days in the aggregate ; or

(ii) without such village or town, but who resides in it for not less than sixty days in the aggregate ; or

(*b*) resides in such village or town for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

(2) The profession-tax shall be levied at such rates as may be fixed by the Panchayat, not being less than such minimum rates and not exceeding such maximum rates as may be prescribed.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(4) If a company or person proves that it or he had paid the sum due on account of the profession-tax levied under this Act, or the companies or profession tax levied under any other [1][Tamil Nadu Act] or any tax of the nature of a profession-tax imposed under the Cantonments Act, 1924 (Central Act II of 1924), for the same half-year to any panchayat, township committee, municipal council or cantonment authority in the [2][State of Tamil Nadu], such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other panchayat, township committee, municipal council or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act or any of the aforesaid Acts.

(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling

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[1] This expression was substituted for the expression "Madras Act" by the Tamil Nadu Adaptation of Laws Order, 1970.

[2] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession-tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case, the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final :

Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the Government shall be subject to the concurrence of the Central Government.

(6) The profession-tax leviable from a firm, association of joint Hindu family may be levied from any adult member of the firm, association or family.

(7) (*a*) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession-tax in respet of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(*b*) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession-tax on the same income as that of the principal.

46 of 1950, 62 of 1957, 45 of 1950.

[1][(8) Nothing contained in this section shall apply to any person subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950 who is compelled by the exigencies of military, naval or air force duty to reside within the limits of the panchayat.

[1] This sub-section was inserted by section 4[i] of the Tamil Nadu Local Authorities' Laws [Amendment] Act, 1976 (President's Act 23 of 1976).

[1][121-A. The executive authority may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding-house or club or of a firm or company—

Requisition on employers or their representatives to furnish list of persons liable to tax.

(a) to furnish within a specified time a list in writing of the names and residential addresses of all persons employed by such employer or by such office, hotel, boarding-house, club, firm or company as officers, servants, dubashs, agents, suppliers or contractors, with a statement of the salary or income of such employed persons, and

(b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, the case may be, is the agent.

121-B. (1) Every employer shall, on receipt of a requisition from the executive authority, deduct from the salary or wages of any person employed by the employer as or officer or a servant or from any sum payable by the employer to any person employed by the employer as dubash, agent supplier or contractor, such amount of profession tax, as may be specified in such requisition, as being due from such employed person.

Deduction of profession tax from salary or wages or other sum.

Explanation.—In this sub-section " employer " includes the head or secretary or manager of any public or private office, hotel, boarding-house, club, firm or company.

(2) Every person responsible for making any deduction under sub-section (1) may, at the time of making the deduction, increase or reduce the amount to be deducted under sub-section (1) for the purpose of adjusting any excess or deficiency arising out of any previous deduction or failure to deduct during the half-year.

(3) Any deduction made in accordance with the provisions of sub-section (1) and (2) and paid to the panchayat shall be treated as a payment of profession tax

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[1]Sections 121-A and 121-B were inserted by section 4(ii) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1976 (President's Act 23 of 1976).

on behalf of the person from whose salary or wages the deduction was made or on behalf of the person to whom the sum from which the deduction was made is payable, and credit shall be given to him for the amount so deducted on the production of the certificate furnished under sub-section (5) in respect of the profession-tax, if any, due from that person for the relevant half-year under this Act.

(4) Any sum deducted in accordance with the provisions of sub-sections (1) and (2) shall be paid within the prescribed time to the credit of the panchayat.

(5) Every person making the deduction under such section (1) or sub-section (2) shall, at the time of payment of the salary or wages or sum, furnish to the person to whom such payment is made a certificate to the effect that profession tax has been deducted, and specifying the amount so deducted and such other particulars as may be prescribed.

(6) Where profession tax due from any employed person is deducted under sub-section (1) or sub-section (2), the person from whose salary or wages the deduction was made or the person to whom the sum from which the dedution was made is payable shall not be called upon to pay the tax himself to the extent to which tax has been so deducted.

(7) Every person making the deduction under sub-section (1) or sub-section (2) shall prepare and, within such period as may be prescribed after the expiry of the half-year, deliver or cause to be delivered to the executive authority in the prscribed form and verified in the prescribed manner, a return in writing showing the name and residential address of every person from whose salary or wages deduction was made under sub-section (1) or sub-section (2), and of every person to whom the sum from which such deduction was made is payable, the amount so deducted, and the half-year to which the deduction relates.

(8) If any person responsible for making any deduction under sub-section (1) or sub-section (2) fails to comply

with any of the provisions of this section, he shall be punishable with fine which may extend to five hundred rupees :

Provided that nothing contained in this sub-section shall apply to the Central Government or any State Government or any officer of any such Government.

(9) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.]

Vehicle tax.

122. The vehicle tax shall, subject to such rules as may be prescribed including rules relating to exemptions and restrictions, be levied every half-year on all vehicles kept or used within the village or town at such rates as may be fixed by the panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed.

Explanation.—In this section, 'vehicle' means a conveyance suitable for use on roads and includes any kind of tram-car, carriage, cart, wagon, bicycle, tricycle and rickshaw, but does not include a motor vehicle as defined in the Motor Vehicles Act, 1931 (Central Act IV of 1931).

Appeals against assessments.

123. An appeal shall lie to such authority and within such time as may be prescribed, against any assessment of tax made in pursuance of sections 119 to 122.

Duty on transfers of property.

124 (1) The duty on transfers of property shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899 (Central Act II of 1899), as in force for the time being in the [1][State of Tamil Nadu], on every instrument of the description specified below, which relates to immovable property situated in the area under the jurisdiction of a panchayat ; and

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1This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(*b*) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument :—

[1][(i) Sale of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(ii) Exchange of immovable property.	The market value of the property of the greater value as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(iii) Gift of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.]

1 These items were substituted for the original items (i), (ii) and (iii) by section 4 of the Madras City Municipal Corporation, Tamil Nadu District Municipalities and Tamil Nadu Panchayats (Amendment) Act, 1976 (President's Act 22 of 1976).

(iv) Mortgage with possession of immovable property	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

(2) On the introduction of the duty aforesaid—

(*a*) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated in the area under the jurisdiction of a panchayat and in respect of property situated outside such area ;

(*b*) section 64 of the same Act sall be read as if it referred to the panchayat as well as the Government.

(3) (*a*) The amounts collected in the panchayat villages in the panchayat development block as surcharge on the duty on transfers of property under this section shall be pooled every year for the entire block and distributed among all the village panchayats in the block in proportion to the land revenue of the village.

(*b*) The amounts collected in any panchayat town as surcharge on the duty on transfers of property under this section, shall be credited to the town panchayat fund.

(4) The Government may make rules not inconsistent with this Act for regulating the collection of duty, the payment thereof to the panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

125. No exemption from the payment of any surcharge or tax specified in section 116 or 119 shall be granted by the panchayat or the panchayat union council except in accordance with such rules as may be prescribed : Exemptions.

Provided that in any particular case, such exemption may be granted with the previous sanction of the Government.

Power to require land revenue staff to collect taxes and fees due to panchayats.

126. Subject to such rules as may be prescribed, the executive authority or the commissioner shall have power to require the staff of the Land Revenue Department to prepare at quinquinnial intervals a House-tax Assessment Register in such form as may be prescribed and to collect any tax or fee due to the panchayat or panchayat union council on payment of such remuneration not exceeding 6¼ per cent of the gross sum collected as the Collector may, by general or special order, determine.

Write-off of irrecoverable amounts.

127. Subject to such restrictions and control as may be prescribed, a panchayat or panchayat union council may write-off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion such tax, fee, amount or sum is irrecoverable:

Provided that where the Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a panchayat or panchayat union council the power to write off such tax, fee or amount or any sum payable in connexion therewith, on the ground of its being irrecoverable, shall be exercised by the Board of Revenue or subject to its control, by the Collector or any officer authorized by him.

Local Education Grant.

128. The Government shall pay annually to every panchayat union council a Local Education Grant the amount of which shall be calculated as follows :—

The total amout of expenditure approved by the Government for being debited to the Panchayat Union (Education) Fund shall be divided into slabs in the manner specified below :—

So much of the expenditure as may be equal to the land revenue assignment of the block referred to in section 118 shall constitute the first slab.

So much of the expenditure as may be in excess of the first slab subject to a maximum of 250 naye Paise for each individual of the population of the panchayat development block concerned shall constitute the second slab.

To each panchayat union council, the Government shall make a Local Education Grant which shall be a proportion of the second slab not less than fifty per cent and not more than eighty per cent as may be specified by the Government in respect of that block.

129. The Government shall pay every year to the panchayat union council a Local Cess Surcharge Matching Grant, which shall be a sum calculated at such percentage as may be prescribed of the proceeds of the local cess surcharge levied in the panchayat development block.[1][ ]. Local Cess Surcharge Matching Grant.

130. For the purpose of sanctioning grants to panchayat union councils, the Government may classify panchayat development blocks in such manner as they may deem fit once in every five years and it shall be open to the Government to sanction grants at varying rates for the different classes of panchayat development blocks. It shall also be open to the Government to revise the classification of panchayat development blocks once in every five years. Classification of panchayat development books.

[2][131. The Government shall pay every year to every panchayat union council a local roads grant, which shall be such sum as may be fixed by the Government for each individual of the estimated population in the panchayat development block to be earmarked and spent on the maintenance of roads in its area and such sum shall be in lieu of the amounts payable before the commencement of this Act, with reference to section 10(1) (*a*) of the *Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931): Local Roads Grant.

Provided that in calculating the sum to be paid to the panchayat union council by way of local roads grant under this section, the Government shall take into account the length and nature of roads lying in the panchayat development block.]

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[1]The words and figures "in excess of the minimum rate fixed under section 116" were omitted by section 4 of the Tamil Nadu Panchayats (Second Amendment and Validation) Act, 1970 (Tamil Nadu Act 12 of 1971).

[2]This section was substituted for the original section 131 by section 5 of the Tamil Nadu Panchayats (Second Amendment and Validation) Act, 1970 (Tamil Nadu Act 12 of 1971), which was deemed to have come into force on the 1st April 1970.

*Now the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974).

Village House-tax Matching Grant.

132. On every rupee of house-tax collected by a village panchayat, an equal amount shall be paid by the Government as grant which shall be called the Village House-tax Matching Grant.

Deduction from grant in certain cases.

133. Where the panchayat union council undertakes a work of common benefit for more than one panchayat, it may apportion the cost of such work among the different panchayats benefited thereby. In such a case, the panchayat union council shall be entitled to recover the share of such cost from the panchayat out of the amounts payable to the panchayats under sections 115 and 124.

Constitution of Panchayat Union Fund, Town Panchayat Fund and Village Panchayat Fund.

134. There shall be constituted—

(i) for each panchayat union, a Panchayat Union (General) Fund and a Panchayat Union (Education) Fund ;

(ii) for each town panchayat, a Town Panchayat Fund ; and

(iii) for each village panchayat, a Village Panchayat Fund.

PANCHAYAT UNION (GENERAL) FUND.

Panchayat Union (General) Fund.

135. The receipts which shall be credited to the Panchayat Union (General) Fund shall include—

(i) such part of the local cess collected in the panchayat development block as remains after crediting to the Panchayat Union (Education) Fund, the Town Panchayat Fund and the Village Panchayat Fund under section 115;

(ii) the local cess surcharge collected in the panchayat development block under section 116 ;

(iii) the local cess surcharge matching grant paid by the Government under section 129 ;

(iv) the local roads grant paid by the Government under section 131 ;

(v) fees on licences issued and permissions given by the panchayat union council ;

~~(vi) fees levied in public markets classified as panchayat union markets after deducting the contribution, if any, paid by the panchayat union council to the~~ panchayat on the scale fixed by the Government ;

(vii) the contribution paid to the panchayat union council by panchayats in respect of markets classified as panchayat markets ;

(viii) fees for the temporary occupation of roads or road margins ;

(ix) fees for the use of choultries ;

(x) receipts from dispensaries maintained by the panchayat union council ;

(xi) income from endowments and trusts under the management of the panchayat union council ;

(xii) the proportionate share of the proceeds of the entertainments tax received by the panchayat union council under section 13 of the [1][Tamil Nadu] Entertainments Tax Act, 1939 ([1][Tamil Nadu] Act X of 1939) ;

(xiii) contributions from Government, other panchayat union councils, municipalities, other local authorities and persons in aid of any institution or service maintained or financed from panchayat union funds or managed by the panchayat union council ;

(xiv) sale-proceeds of tools and plant, stores and materials and of trees and avenue produce appertaining to panchayat union roads ;

(xv) income from panchayat union ferries and fisheries ;

(xvi) interest on loans and securities ;

(xvii) interest on arrears of revenue ;

(xviii) income from and sale-proceeds of, buildings, lands and other property belonging to the panchayat union council ;

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[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Village House-tax Matching Grant.

132. On every rupee of house-tax collected by a village panchayat, an equal amount shall be paid by the Government as grant which shall be called the Village House-tax Matching Grant.

Deduction from grant in certain cases.

133. Where the panchayat union council undertakes a work of common benefit for more than one panchayat, it may apportion the cost of such work among the different panchayats benefited thereby. In such a case, the panchayat union council shall be entitled to recover the share of such cost from the panchayat out of the amounts payable to the panchayats under sections 115 and 124.

Constitution of Panchayat Union Fund, Town Panchayat Fund and Village Panchayat Fund.

134. There shall be constituted—

(i) for each panchayat union, a Panchayat Union (General) Fund and a Panchayat Union (Education) Fund;

(ii) for each town panchayat, a Town Panchayat Fund; and

(iii) for each village panchayat, a Village Panchayat Fund.

PANCHAYAT UNION (GENERAL) FUND.

Panchayat Union (General) Fund.

135. The receipts which shall be credited to the Panchayat Union (General) Fund shall include—

(i) such part of the local cess collected in the panchayat development block as remains after crediting to the Panchayat Union (Education) Fund, the Town Panchayat Fund and the Village Panchayat Fund under section 115;

(ii) the local cess surcharge collected in the panchayat development block under section 116;

(iii) the local cess surcharge matching grant paid by the Government under section 129;

(iv) the local roads grant paid by the Government under section 131;

(v) fees on licences issued and permissions given by the panchayat union council;

(vi) all income derived from any endowments or other property owned or managed by the panchayat union council for the benefit of elementary education ;

(vii) all other sums which may be contributed or received by the panchayat union council for the purposes of elementary education.

* * *

137. The receipts which shall be credited to the town panchayat and village panchayat fund shall include— **Town panchayat fund and village panchayat fund.**

(i) the house-tax, the profession-tax, the vehicle tax and any other tax or any cess or fee, levied under sections 119 to 122 of this Act ;

(ii) the proceeds of the duty on transfers of property levied under section 124 of this Act ;

(iii) the share of the local cess under section 115 ;

(iv) in respect of village panchayat fund, the village house-tax matching grant ;

(v) the taxes and tolls levied in the village under sections 117 and 118 of the [1][Tamil Nadu] Public Health Act, 1939 ([1][Tamil Nadu] Act III of 1939) ;

(vi) fees levied in public markets classified as panchayat markets after deducting the contributions, if any, paid by the panchayat to the panchayat union council on the scale fixed by the Government ;

(vii) the contribution paid to the panchayat by panchayat union councils in respect of markets classified as panchayat union markets ;

(viii) fees for the temporary occupation of village-sites, roads and other similar public places or parts thereof in the village or town ;

(ix) fees levied by the panchayat in pursuance of any provision in this Act or any rule or order made thereunder ;

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[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(x) income from endowments and trusts under the management of the panchayat ;

(xi) the net assessment on service inams which are resumed by the Government ;

(xii) the proportionate share of the proceeds of the entertainments tax received by the panchayat under section 13 of the [1][Tamil Nadu] Entertainments Tax Act, 1939 ([1][Tamil Nadu] Act X of 1939) ;

(xiii) income derived from village fisheries ;

(xiv) income derived from ferries under the management of the panchayat ;

(xv) unclaimed deposits and other forfeitures;

(xvi) a sum equivalent to the seigniorage fees collected by the Government every year from persons permitted to quarry for road materials in the village or town, as the case may be ;

(xvii) all income derived from porambokes the user of which is vested in the panchayat ;

(xviii) where the village or town, as the case may be, is in a ryotwari tract, all income derived from trees standing on porambokes although the user of the porambokes is not vested in the panchayat ;

(xix) income from leases of Government property obtained by the panchayat ;

(xx) fines and penalities levied under this Act by the town panchayat or the village panchayat or at the instance or on behalf of either the town panchayat or the village panchayat ;

(xxi) all sums other than those enumerated above which arise out of, or are received in aid of or for expenditure on any institutions or services maintained or financed from the panchayat fund or managed by the panchayat ;

(xxii) all other moneys received by the panchayat

[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Aemndment) Order, 1969.

EXPENDITURE.

Application of moneys received and expenditure from funds.

138. All moneys received by the panchayat union council, the village panchayat or the town panchayat shall be applied and disposed of in accordance with the provisions of this Act and other laws :

Provided that the panchayat union council or the panchayat shall have power subject to such rules as may be prescribed to direct that the proceeds of any tax or additional tax levied under this Act shall be earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

Expenditure from panchayat fund and panchayat union fund.

139. (1) The purposes to which the funds of the panchayat union council or of the village panchayat or the town panchayat may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the funds shall be applicable thereto within the panchayat development block or the village or town, as the case may be, subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid be applicable to such purposes outside the panchayat development block or village or town if the expenditure is authorized by this Act or specially sanctioned by the Inspector.

(2) It shall be the duty of every panchayat union council and panchayat to provide for the payment of—

(i) any amounts falling due on any loans contracted by it ;

(ii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and servants ;

(iii) sums due under any decree or order of a Court ; and

(iv) any other expenses rendered obligatory by or under this Act or any other law.

(3) A panchayat union council or panchayat, may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A panchayat union council or panchayat, may, with the sanction of the Inspector also—

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the panchayat development block or village or town ;

(ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity of the reception of diseased or infirm persons or the investigation of the causes of disease ; and

(iii) defray any other extraordinary charges.

Preparation and sanction of budgets. 140. (1) The executive authority of the panchayat and the commissioner, shall in each year frame and place before the panchayat or the panchayat union council, as the case may be, a budget showing the probable receipts and expenditure during the following year.

(2) The budget of a panchayat or panchayat union council shall after preparation by the executive authority or the commissioner, be submitted on or before such date and to such officer as may be prescribed, and if the prescribed officer is satisfied that adequate provision has not been made therein for the performance of any necessary service or services, he shall have power to return the budget for modification in such manner as may be necessary to secure such provision.

(3) The panchayat or the panchayat union council, as the case may be, shall sanction the budget with such modification as it thinks fit. If there is a difference of opinion between the officer referred to in sub-section (2) and the panchayat and the panchayat union council, as the case may be, the budget shall be referred to the Inspector in the case of panchayats and the Government in the case of the panchayat union council. The Inspector or the Government as the case may be shall have power to modify the budget in such manner as he or they may consider necessary.

(4) If in the course of a year, a panchayat or panchayat union council finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services under taken by it, a supplemental or revised budget may be

framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2), provided that no such alteration shall be given effect to except with the consent of the prescribed officer.

(5) On or before such date in each year as may be prescribed, every commissioner shall submit to the Government through such officer and in such forms as may be prescribed a budget for the ensuing financial year showing the income and expenditure relating to the panchayat union (education) fund.

(6) The Government may pass such orders as they think fit in respect of the budget referred to in sub-section (5) and the panchayat union council concerned shall be bound to carry out all such orders.

(7) The accounts of the panchayat union (education) fund shall be examined and audited by an auditor appointed by the Government under section 141, and the panchayat union council concerned shall carry out any instruction which the Government may issue on the audit report.

Appointment of auditors.

141. (1) The Government shall appoint auditors of the accounts of the receipts and expenditure of the funds of the panchayat union council and of the panchayat. Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

(2) No contribution shall be recovered by the Government from the panchayat union council or the panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the panchayat union council or the panchayat.

Contribution to expenditure by other local authorities.

142. If the expenditure incurred by the Government or by any panchayat union council or by any panchayat or by any other local authority in the State for any purpose authorized by or under this Act, is such as to benefit the inhabitants of the village or town, the panchayat union council or the panchayat as the case may be, may with the sanction of the Inspector, and shall if so directed by him, make a contribution towards such expenditure.

Recovery of loans and advances made by Government.

143. (1) Notwithstanding anything contained in the Local Authorities Loans Act, 1914 (Central Act IX of 1914), the Government may—

(*a*) by order direct any person having custody of the funds of the panchayat union council or the panchayat to pay to them in priority to any other charges against such fund, except charges for the service of authorized loans, any loan or advance made by them to the panchayat union council or the panchayat for any purpose to which its funds may be applied under this Act ;

(*b*) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (*a*) of sub-section (1) is addressed shall be bound to comply with such order.

CHAPTER V.—CONTROLLING AUTHORITIES.

Appointment of officers to supervise panchayat union council and panchayats.

144. (1) The Government may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the panchayats and the panchayat union councils constituted under this Act.

(2) The Government shall have power to regulate by rules made under this Act the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers referred to in sub-section (1) and of the members of their establishments.

Powers of inspecting officers.

145. (1) The Inspector or the Collector or any officer appointed under section 144 or any other officer or person whom the Government, or the Inspector or the Collector may empower in this behalf, may—

(*a*) enter on and inspect any immovable property, or any work in progress, under the control of any panchayat or its executive officer or of any panchayat union council or commissioner ;

(*b*) enter any school, dispensary, vaccination station or choultry maintained by, or under the control of any panchayat union council or any other institution maintained by or under the control of any panchayat or panchayat union council and inspect any records, registers or other documents kept in any such institution ;

(*c*) enter the office of any panchayat or panchayat union council and inspect any records, registers or other documents kept therein.

(2) Panchayats and their presidents, executive authorities, panchayat union councils and their chairman, commissioners and the officers and servants of panchayats and panchayat union councils shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to panchayat or panchayat union property or premises and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

Powers of officers for purpose of control.

146. The Inspector or any [1]officer or person whom the Government or the Inspector may empower in this behalf may—

(*a*) direct the panchayat or panchayat union council to make provision for and to execute or provide any public work or amenity, or service of the description referred to in sections 63 and 65 ;

(*b*) call for any record, register or other document in the possession, or under the control, of any panchayat or executive authority, or of any panchayat union council or commissioner ;

(*c*) require any panchayat or its executive authority or any panchayat union council or commissioner to furnish any return, plan, estimate, statement, account or statistics ;

(*d*) require any panchayat or its executive authority or any panchayat union council or commissioner to furnish any information or report on any matter connected with such panchayat or panchayat union council ;

(*e*) require any panchayat or its executive authority or any panchayat union council, or the commissioner to obtain his previous sanction before giving up a claim or closing down any institution which is a source of income ;

(*f*) record in writing for the consideration of any panchayat or its executive authority or of any panchayat union council or commissioner any observations in regard to its or his proceedings or duties.

Power to suspend or cancel resolution, etc. under the Act.

147. (1) The Inspector may, by order in writing,—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done,

in pursuance or under colour of this Act, if in his opinion,—

(*a*) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

(*b*) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Inspector to be otherwise undesirable, or

(*c*) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that nothing in this sub-section shall enable the Inspector to set aside any election which has been held.

(2) The Inspector shall, before taking action on any of the grounds referred to in clauses (*a*) and (*b*) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) The power conferred on the Inspector under clause (*c*) of sub-section (1) may be exercised by the Collector in accordance with the provisions of that clause.

Emergency powers of Collector and Inspector.

148. Subject to such control as may be prescribed, the Inspector or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a panchayat or its executive authority or a panchayat union council or commissioner is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the panchayat fund or the panchayat union fund in priority to any other charges against such fund except charges for the service of authorized loans.

Power to take action in default of a panchayat, president or executive authority.

149. (1) If at any time it appears to the Inspector that a panchayat, president or executive authority or that a panchayat union council or its chairman or commissioner has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Inspector may appoint some person to perform it, and may direct that the expense of performing it shall be paid by the person having the custody of the panchayat fund or the panchayat union fund as the case may be in priority to any other charges against such fund except charges for the service of authorized loans.

[1][(3) If on a representation in writing made by the president, the Inspector is satisfied that due to the non-co-operation of the members with the president, the panchayat is not able to function, the Inspector may, by notification, authorise the president to perform, subject to the control of the Inspector, such of the duties imposed upon the panchayat by law and for such period not exceeding six months as may be specified in such notification. During the period for which the president is so authorised, there shall be no meeting of the panchayat.]

[2][(4) If on a representation in writing made by the chairman, the Government are satisfied that due to the non-co-operation of the members with the chairman, the panchayat union council is not able to function, the Government may, by notification, authorise the chairman to perform, subject to the control of the Government or any officer authorised by the Government in this behalf, such of the duties imposed upon the panchayat union council by law and for such period not exceeding six months as may be specified in such notification. During the period for which the chairman is so authorised, there shall be no meeting of the panchayat union council.]

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1 This sub-section was added by section 12 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

2 This sub-section was added by section 7 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

Removal of president.

[1][149-A. (1) The Inspector—

(*a*) of his own motion, or

(*b*) on a representation in writing signed by not less than two-thirds of the sanctioned strength of the panchayat containing a statement of charges against the president and presented in person to the Inspector by any two of the members of the panchayat, if satisfied that the president willfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him, the Inspector shall, by notice in writing require the president to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice.

(2) If the explanation is received within the specified date and the Inspector considers that the explanation is satisfactory, he may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in his opinion not satisfactory, he shall forward to the tahsildar of the taluk a copy of the notice referred to in sub-section (1) and the explanation of the president if received within the specified date with a proposal for the removal of the president for ascertaining the views of the panchayat.

(3) The tahsildar shall then convene a meeting for the consideration of the notice and the explanation, if any, and the proposal for the removal of the president, at the office of the panchayat at a time appointed by the tahsildar.

(4) A copy of the notice of the meeting shall be caused to be delivered to the president and to all the members of the panchayat by the tahsildar at least seven days before the date of the meeting.

(5) The tahsildar shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour appointed for the meeting, the tahsildar is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members and the president by the tahsildar under sub-section (6).

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[1] This section was inserted by section 13 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(6) If the tahsildar is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall be not later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the members and the president of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the president under this section shall not for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the tahsildar shall read to the panchayat the notice of the Inspector and the explanation, if any, of the president, for the consideration of which it has been convened.

(9) The tahsildar shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the meeting.

(10) The views of the panchayat shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the tahsildar to the Inspector.

(11) The Inspector, may, after considering the views of the panchayat in this regard, in his discretion either remove the president from office by notification with effect from a date to be specified therein or drop further action.

(12) The Government shall have power to cancel any notification issued under sub-section (11) and may, pending a decision on such cancellation, postpone the date specified in such notification.

(13) Any person in respect of whom a notification has been issued under sub-section (11) removing him from the office of president shall, unless the notification is cancelled under sub-section (12), be ineligible for election as president until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (12) whichever is earlier.]

Removal of Vice-President.

[1][150. (1) If in the opinion of the Inspector, the Vice-president wilfully omits or refuses to carry out or disobeys any provisions of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him, the Inspector shall, by notice in writing, require the vice-president to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice.

(2) The provisions of sub-sections (2) to (13) (both inclusive) of section 149-A shall, as far as may be, apply in relation to the removal of the vice-president as they apply in relation to the removal of the president by the Inspector of his own motion.

Removal of chairman. [2][xx]

151. [3][(1) If the Government,—

(a) of their own motion, or

(b) on a representation in writing signed by not less than two-thirds of the strength of the panchayat union council containing a statement of charges against the chairman and presented in person to any officer appointed by the Government in this behalf by any two of the members of the panchayat union council,

are satisfied that the chairman wilfully omits or refuses to carry out or disobeys the provisions of this Act, or any rules, by-laws, regulations or lawful orders issued thereunder or abuses the powers vested in him, the Government shall, by notice in writing, require the chairman to offer within a specified date, his explanation with repect to his acts of omission or commission mentioned in the notice.]

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1 This section was substituted for the original section 150 by section 14 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

2 The words "or vice-chairman" were omitted by section 8(1) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

3 This sub-section was substituted for the original sub-section (i) by section 8 (2) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

(2) If the explanation is received within the specified date, and the Government consider that the explanation is satisfactory, the Government may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in their opinion not satisfactory, the Government shall forward to the Revenue Divisional Officer of the division concerned a copy of the notice referred to in sub-section (1) and the explanation of the chairman [1][* * *] with a proposal for the removal of the chairman [1][* *] from office [2][for ascertaining the views of the panchayat union council.]

(3) The Revenue Divisional Officer shall then convene a meeting for the consideration of the notice and the explanation, if any, and the proposal for the removal of the chairman [3][* *] at the office of the panchayat union council at a time appointed by the Revenue Divisional Officer.

(4) A copy of the notice of the meeting shall be caused to be delivered to the chairman [4][* *] concerned and to all the members of the panchayat union council by the Revenue Divisional Officer at least seven days before the date of the meeting.

(5) The Revenue Divisional Officer shall preside at the meeting convened under this section and no other person shall preside thereat. If within half an hour appointed for the meeting, the Revenue Divisional Officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the Revenue Divisional Officer, under sub-section (6).

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1 The words "or vice-chairman" were omitted by section 8 (3) (i) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

2 These words were inserted by section 8(3) (ii), *ibid*.

3 The words "or vice-chairman" were omitted by section 8 (4), *ibid*.

4 The words "or vice chairman" were omitted by section 8 (5), *ibid*.

(6) If the Revenue Divisional Officer is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall be not later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the chairman [1][* *] under this section shall not, for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the Revenue Divisional Officer shall read to the panchayat union council the notice of the Government and the explanation, if any, of the chairman [2][* *] for the consideration of which it has been convened.

(9) There shall be no debate in any meeting under this section.

(10) The Revenue Divisional Officer shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the meeting.

[3][(11) The views of the Panchayat Union Council shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the Revenue Divisional Officer to the Government.

(12) The Government may, after considering the views of the Panchayat Union Council in this regard in their discretion either remove the chairman from office by notification with effect from a date to be specified therein or drop further action].

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[1] The words "or the vice-chairman" were omitted by section 8(6) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978.)

[2] The words "or the vice-chairman, as the case may be", were omitted by section 8 (7), *ibid*.

[3] These sub-sections were substituted for original sub-sections (11) and (12) by section 8 (8), *ibid*.

(13) Any person in respect of whom a notification has been issued under sub-section (12) removing him from the office of chairman [1][* *] shall be ineligible for election as chairman [1][* *] and for holding any of those offices until the date on which notice of the next ordinary elections to the panchayat union council is published in the prescribed manner or the expiry of one year from the date specified in the notification, whichever is earlier.

[2][151-A. (1) If, in the opinion of the Government, the vice-chairman wilfully omits or refuses to carry out or disobeys any provisions of this Act, or any rules, by-laws, regulations or lawful orders issued thereunder or abuses any power vested in him, the Government shall, by notice in writing, require the vice-chairman to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice.

Removal of vice-chairman.

(2) The provisions of sub-sections (2) to (13) (both inclusive) of section 151 shall, as far as may be, apply in relation to the removal of the vice-chairman as they apply in relation to the removal of the chairman by the Government on their own motion.]

152. (1) Subject to the provisions of this section, a motion expressing want of confidence in the [4][*] vice-president of a panchayat may be made in accordance with the procedure laid down herein.

Motion of no-confidence in [3][*] vice-president of panchayat.

(2) Written notice of intention to make the motion, signed by members of the panchayat not less in number than one-half of the sanctioned strength of the panchayat,

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1 The words "or vice-chairman" were omitted by section 8 (9) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

2 This section was inserted by section 9, *ibid*.

3 The words "president or" were omitted by section 15 (1) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

4 The words "president or" were omitted by section 15 (2), *ibid*.

together with a copy of the motion which is proposed to be made, and a written statement of the charges against [1][* *] the vice-president, [1][* *], shall be delivered in person to the Tahsildar of the taluk by any two of the members of the panchayat signing the notice.

(3) A copy of the statement of charges along with the notice of the meeting shall be caused to be delivered to the [2][* *] vice-president concerned by the tahsildar, and the [2][* *] vice-president shall be required to give a statement in reply to the charges within a week of the receipt of the notice by the [2][* *] vice-president.

(4) The Tahsildar shall, after the expiry of the period of the notice issued under sub-section (3) convene a meeting for the consideration of the motion, at the office of the panchayat at a time appointed by him.

(5) The tahsildar shall give to the members notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(6) The Tahslidar shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting, the Tahsildar is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the Tahsildar under sub-section (7).

(7) If the Tahsildar is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (4). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(8) Save as provided in sub-sections (6) and (7), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

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1 The words "the president or" and "as the case may be" were omitted by section 15 (3) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

2 The words "president or" were omitted by section 15 (4), *ibid.*

(9) As soon as the meeting convened under this section has commenced, the Tahsildar shall read to the panchayat the motion for the consideration of which it has been convened, the statement of charges and the written statement, if any, of the [1][* *] vice-president in reply to the said charges.

(10) There shall be no debate on any motion under this section.

(11) The Tahsildar shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(12) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Tahsildar to the Inspector.

(13) If the motion is carried with the support of not less than two-thirds of the sanctioned strength of the panchayat, the Inspector shall, by notification, remove the [2][* *] vice-president of the panchayat [2][* *].

(14) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of the quorum referred to in sub-section (13), no notice of any subsequent motion expressing want of confidence in the same [3][* *] vice-president shall be received until after the expiry of six months from the date of the meeting.

(15) No notice of a motion under this section shall be received within six months of the assumption of office by the [4][* *] vice-president [4][* *].

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1 The words "president or" were omitted by section 15 (5) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

2 The words "president or" and "as the case may be" were omitted by section 15 (6), *ibid*.

3 The words "president or" were omitted by section 15 (7), *ibid*.

4 The words "president or" and "as the case may be" were omitted by section 15 (8), *ibid*.

Motion of no-confidence in [1][*] vice-chairman of panchayat union council.

153. (1) Subject to the provisions of this section, a motion expressing want of confidence in the [2][* *] vice-chairman of a panchayat union council may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, signed by members of the panchayat union council not less in number than one-half of the sanctioned strength of the panchayat union council, together with a copy of the motion which is proposed to be made and a written statement of the charges against [3][* *] the vice-chairman, [3][* *] shall be delivered in person to the Revenue Divisional Officer of the division by any two of the members of the panchayat union council signing the notice.

(3) A copy of the statement of charges along with the motion shall be caused to be delivered to the [4][* *] vice-chairman concerned by the Revenue Divisional Officer and the [4][* *] vice-chairman concerned shall be required to give a statement in reply to the charges within a week of the receipt of the motion by the [4][* *] vice-chairman.

(4) The Revenue Divisional Officer shall then convene a meeting for the consideration of the motion at the office of the panchayat union council at a time appointed by him.

(5) The Revenue Divisional Officer shall give to the members notice of not less than fifteen clear days of the meeting and of the time appointed therefor.

(6) The Revenue Divisional Officer shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting, the Revenue Divisional Officer is not present to preside at the meeting, the meeting shall

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[1] The words "chairman or" were omitted by section 10 (1) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978.)

[2] The words "chairman or" were omitted by section 10 (2), *ibid.*

[3] The words "the chairman or" and "as the case may be" were omitted by section 10(3), *ibid.*

[4] The words "chairman or" were omitted by section 10 (4), *ibid.*

stand adjourned to a time to be appointed and notified to the members by the Revenue Divisional Officer under sub-section (7).

(7) If the Revenue Divisional Officer is unable to preside at the meeting, he may, after recording his reasons in writing adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (4). Notice of not less than seven clear days shall be given to the members of the time appointed for the adjourned meeting.

(8) Save as provided in sub-sections (6) and (7), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(9) As soon as the meeting convened under this section has commenced, the Revenue Divisional Officer shall read to the panchayat union council the motion for the consideration of which it has been convened, the statement of charges and the statement, if any, of the [1][**] vice-chairman in reply to the said charges.

(10) There shall be no debate on any motion under this section.

(11) The Revenue Divisional Officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(12) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Revenue Divisional Officer to the Government.

(13) If the motion is carried with the support of not less than two-thirds of the sanctioned strength of the panchayat union council, the Government shall, by notification, remove the [2][* *] vice-chairman of the panchayat union council [2][* *].

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[1] The words "chairman or" were omitted by section 10 (5) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

[2] The words "chairman or" and "as the case may be" were omitted by section 10 (6), *ibid.*

(14) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of the quorum referred to in sub-section (13), no notice of any subsequent motion expressing want of confidence in the same [1][* *] vice-chairman shall be received until after the expiry of six months from the date of the meeting.

(15) No notice of a motion under this section shall be received within six months of the assumption of office by the [2][* *] vice-chairman, [2][* *].

Dissolution and supersession of panchayats.

[3][154. (1) If, in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification, direct,—

(a) that the panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date after holding elections to the office of the members as well as the president and vice-president; or

(b) that the panchayat be superseded for a period not exceeding one year from a specified date and reconstituted either immediately or with effect from another specified date :

Provided that the Government may, for sufficient reason, extend the period of supersession for a period not exceeding one year after the expiry of the period of one year from the date of such supersession.

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1 The words "chairman or" were omitted by section 10 (7) of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

2 The words "chairman or" and "as the case may be" were omitted by section 10 (8), *ibid*.

3 The words, brackets and figure "sub-section (1) of" occurring in sub-section (4) of the original section 154 were omitted by section 14 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964) ; and this new section 154 was substituted for section 154, as amended by Tamil Nadu Act 18 of 1964, by section 16 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(2) (a) (i) Notwithstanding anything contained in sub-section (5), the Government, if they think fit that in the interests of the panchayat, it is necessary to restore to office, the members and the vice-president holding office immediately before the date fixed for the supersession, they may, by notification issued before the expiry of the period of supersession, direct such restoration with effect from a date specified in that notification.

(ii) In case no such direction has been issued under sub-clause (i), fresh election shall be held to the office of the members including the vice-president but excluding the president of the panchayat.

(b) The members of the panchayat including its vice-president restored to their offices as aforesaid shall hold their offices only so long as they would have been entitled to hold such offices if the panchayat had not been superseded.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat, the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal and consider its explanations and objections, if any.

(4) On the date fixed for the dissolution of a panchayat under sub-section (1), all its members as well as its president and vice-president shall forthwith be deemed to have vacated their offices as such and thereupon the provisions contained in the proviso to sub-section (2) of section 11 shall apply.

(5) (a) Subject to the provisions of sub-section (2), on the date fixed for the supersession of the panchayat under sub-section (1), all its members as well as the vice-president shall forthwith be deemed to have vacated their offices as

such, but the president shall continue in office for the residue of the term of office. During the period of supersession, the president shall, subject to the control of the Inspector, exercise the powers and discharge the duties of the panchayat.

(b) In case the office of the president is vacant on the date fixed for the supersession of the panchayat or falls vacant before the reconstitution of the panchayat, the provisions contained in the proviso to sub-section (2) of section 11 shall apply.

(6) On the reconstitution of the panchayat after the supersession referred to in clause (b) of sub-section (5), the Government may pass such orders as they deem fit as to the transfer to the panchayat from the panchayat union council of the assets or institutions which were acquired by the panchayat union council during the period of supersession on behalf of the panchayat and as to the discharge of the liabilities, if any, of such panchayat relating to such assets or institutions.

(7) In case the President or vice-president or a member of a panchayat which is dissolved under this section is the [1][ ] vice-chairman or a member of a panchayat union council, he shall, with effect on and from the date of the dissolution, be deemed to have vacated his office as such [2][* * *] vice-chairman or member notwithstanding anything contained in section 19.

(8) In case the vice-president or a member of a panchayat which is superseded under this section is the [1][* * *] vice-chairman or a member of a panchayat union council, he shall, with effect on and from the date of the supersession, be deemed to have vacated his office as such [2][* * *] vice-chairman or member notwithstanding anything contained in section 19.

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1 The words "chairman or " were omitted by section 11 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

2 The word "chairman" was omitted by section 11, *ibid*.

(9) On the reconstitution of the panchayat after the dissolution, the Government may pass such orders as they deem fit as to the transfer to the panchayat from the panchayat union council of the assets or institutions which were acquired by the panchayat union council during the period of dissolution on behalf of the panchayat and as to the discharge of the liabilities, if any, of such panchayat relating to such assets or institutions.

(10) (a) In the case of a panchayat reconstituted after dissolution, the elected members including the president; and

(b) subject to the provisions of sub-section (2), in the case of a panchayat reconstituted after supersession, the elected members;

shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix.

Dissolution of panchayat union councils.

155. (1) If in the opinion of the Government a panchayat union council is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers, they may by notification—

(*a*) dissolve the panchayat union council from a specified date; and

(b) direct that the panchayat union council be reconstituted with effect from a date which shall not be later than one year from the date of dissolution:

[1][Provided that the Government may, by notification, for sufficient reason, postpone the reconstitution of the panchayat union council for a further period not exceeding [2][three years and two months.]

(2) Before publishing a notification [3][under clause (a) and clause (b) (excluding the proviso thereto) of sub-section (1),] the Government shall communicate to the panchayat union council the grounds on which they propose to do so, fix a reasonable period for the panchayat union council to show cause against the proposal and consider its explanations and objections, if any.

(3) On the date fixed for the dissolution of a panchayat union council under sub-section (1) all its members as well as its chairman and vice-chairman shall forthwith be deemed to have vacated their offices as such.

(4) During the interval between the dissolution and the reconstitution of a panchayat union council, the Inspector may appoint a person to exercise the powers and discharge the duties of the panchayat union council and of its chairman :

Provided that any person to be appointed under the provisions of this sub-section shall be a person in the service of the Government not below the rank of a tahsildar or a commissioner.

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1 This proviso was added by section 2 (1) of the Tamil Nadu Panchayats (Amendment and Validation) Act, 1977 (Tamil Nadu Act 9 of 1977), which was deemed to have come into force on the 1st August 1977.

2 The words "one year and three months", "one year and nine months" and "two years and two months" were substituted for the words "six months"," one year and three months" and "one year and nine months" respectively by section 2 of the Tamil Nadu Panchayats (Amendment) Act, 1978 (Tamil Nadu Act 7 of 1978), by section 2 of the Tamil Nadu Panchayats (Amendment) Act, 1979 (Tamil Nadu Act 3 of 1979), which was deemed to have come into force on the 31st October and section 2 of the Tamil Nadu Panchayats (Second Amendment) Act, 1979 (Tamil Nadu Act 23 of 1979). These words were substituted by section 2 of the Tamil Nadu Panchayats (Third Amendment), Act, 1979 (Tamil Nadu Act 62 of 1979), which was deemed to have come into force on the 29th September 1979.

3 These words, brackets, letters and figure were substituted for the words " under sub-section (1) " by section 2 (2) of the Tamil Nadu Panchayats (Amendment and Validation) Act, 1977 (Tamil Nadu Act 9 of 1977), which was deemed to have come into force on the 1st August 1977.

All acts done or proceedings taken in respect of a panchayat union council during the period from the 1st August 1977 to the date of publication of the Tamil Nadu Panchayats (Amendment and Validation) Act, 1977 by a person under this sub-section were validated by section 4 of the said Act.

[1][(4-A). The Government may direct that the panchayat union council be reconstituted before the date fixed for its reconstitution under clause (*b*) of sub-section (1) or the proviso to that clause.]

(5) [2][The members as well as the chairman and vice-chairman of a reconstituted panchayat union council] shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix.

(6) When a panchayat union council is dissolved under this section, the Government until the date of the reconstitution of the panchayat union council and the reconstituted panchayat union council thereafter shall be entitled to all the assets and be subject to all the liabilities of the panchayat union council as on the date of the dissolution and on the date of the reconstitution respectively.

Powers of officers acting for or in default of panchayat or panchayat union council and liability of panchayat or panchayat union fund.

156. The Government, the Inspector or any other person lawfully taking action on behalf, or in default, of a panchayat or a panchayat union council under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the panchayat or the panchayat union council or its officers or servants whose powers are exercised; and compensation shall be recoverable from the panchayat fund or the panchayat union fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the panchayat or the panchayat union council or their officers or servants.

Delegation of powers.

157. (1) The Government may by notification authorize any authority or officer not below the rank of a Collector to exercise in regard to any panchayat or any class of panchayats in any area or in regard to any panchayat union council or any class of panchayat union councils or all panchayat union councils in any area any of the powers vested in them by this Act except the power to make rules and may in like manner withdraw such authority.

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1 This sub-section was inserted by section 2 (3) of the Tamil Nadu Panchayats (Amendment and Validation) Act, 1977 (Tamil Nadu Act 9 of 1977), which was deemed to have come into force on the 1st August 1977.

2 These words were substituted for the words "The members of a reconstituted panchayat union council" by section 12 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978).

(2) The Inspector or the Collector may by notification authorize any officer not below the rank of a Revenue Divisional Officer to exercise in respect of any panchayat union council or any class of panchayat union councils or all panchayat union councils in the area under the jurisdiction of such officer any of the powers vested by this Act in the Inspector or the Collector as the case may be and may in like manner withdraw such authority.

(3) The Inspector or the Collector may by notification authorize any officer not below the rank of a commissioner to exercise in respect of any panchayat or any class of panchayats or all panchayats in the panchayat development block any of the powers vested by this Act in the Inspector or the Collector as the case may be and may in like manner withdraw such authority.

(4) The exercise of any power delegated under sub-sections (1) to (3) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the delegating authority, or where such authority is the Government by such officer as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any officer so empowered.

(5) The exercise of any power conferred on the Inspector or the Collector by any of the provisions of this Act including sub-sections (2) to (4) of this section shall whether such power is exercised by the Inspector or the Collector himself or by any offcer to whom it has been delegated under sub-section (2) or (3) be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such officer as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any officer so empowered.

Revision. **158.** (1) The Government may, in their discretion, after consulting the Inspector, Collector or such other officer or authority as they may deem fit, at any time, either *suo motu* or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act by—

(*a*) the Inspector or the Collector or any officer authorized by the Inspector or the Collector under sub-section (2) or (3) of section 157, or

(*b*) any officer authorized by the Government under sub- section (1) of that section or any officer empowered by them under sub-section (4) of that section, or

(*c*) any other authority or officer,

for the purpose of satisfying themselves as to the legality or propriety of such order, or as to the regularity of such proceeding and pass such order in reference thereto as they think fit.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by such authority or officer as may be empowered in this behalf by the Government.

CHAPTER VI—GENERAL AND MISCELLANEOUS.

LICENCES AND PERMISSIONS.

General provisions regarding licences and permissions.

159. (1) Save as otherwise expressly provided in or may be prescribed under this Act, every application for any licence or permission under this Act or any rule, by-law or regulation made thereunder, or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required.

(2) Save as aforesaid, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the panchayat or the panchayat union council as the case may be, provided that the rates shall not exceed the maxima, if any, prescribed.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority of the panchayat or the commissioner, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, by-laws and regulations and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the terms of the licence or permission obtained, then—

(*a*) the executive authority of the panchayat or the commissioner may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further,

(*b*) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the panchayat or the panchayat union council, as the case may be, the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the panchayat or the panchayat union council, as the case may be, such amount, if any, as he may fix as the costs of the prosecution.

Explanation.—The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

Government and market committees not to obtain licences and permissions.

160. Nothing in this Act or in any rule, by law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the State Government or of a market committee established under the *Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), or in respect of any property of the Central or the State Government or of any property belonging to such market committee.

*Now the Tamil Nadu Agricultural Produce Markets Act, 1959 (Tamil Nadu Act 23 of 1959).

POWER TO ENFORCE NOTICES, ORDERS, ETC.

Time for complying with notice, order, etc., and power to enforce in default.

161. (1) Whenever by any notice, requisition or order under this Act, or under any rule bye-law or regulation made there under, any person is required to execute any work, to take any measures or to do anything, a reasonable time shall be named in such notice requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named—

(a) the executive authority of the panchayat or the commissioner as the case may be may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order, and further,

(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

POWERS OF ENTRY AND INSPECTION.

Powers of entry and inspection.

162. (1) Subject to such restrictions and conditions as may be prescribed, the executive authority or the commissioner or any person authorized by him may enter on or into any place, building or land, with or without assistants or workmen in order—

(a) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions, or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions, without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or the use of any force necessary for effecting an entrance under that sub-section.

Testing of weights and measures.

163. The executive authority or the commissioner or any person authorized by him may examine and test the weights and measures used in the markets and shops in the village or town or the panchayat union as the case may be with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code (Central Act XLV of 1860).

Power to call for information from village headmen and karnams.

164. (1) The executive authority or the commissioner may, by an order in writing, require the headman or Karnam or both of any revenue village comprised within the jurisdiction of the panchayat or panchayat union council to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.

(2) The order shall specify the period within which it may be complied with but the executive authority or the commissioner may, from time to time, extend such period.

LIMITATION.

Limitation for recovery of dues.

165. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to a panchayat or panchayat union council under this Act or any rule, bye-law, regulation or order made under it after the expiration of [1][a period of six years] from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or sum.

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[1] These words were substituted for the words "a period of three years" by section 5 of the Tamil Nadu Panchayats (Amendment) Act, 1965 (Tamil Nadu Act 38 of 1965), which was deemed to have come into force on the 2nd October 1962.

PROSECUTIONS, SUITS, ETC.

166. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or bye-law made thereunder unless complaint is made within three months of the commission of the offence by the Police, the executive authority, the panchayat union council, the commissioner or a person expressly authorized in this behalf by the panchayat, panchayat union council, executive authority or commissioner, but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1898* (Central Act V of 1898), in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion: Persons empowered to prosecute.

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

167. The executive authority or the commissioner may, subject to such restrictions and control, as may be prescribed compound any offence against this Act or any rule or bye-law made thereunder, which may by rules be declared compoundable. Composition of offences.

168. Every prosecution instituted or offence compounded by the executive authority or the commissioner shall be reported by him to the panchayat or panchayat union council as the case may be at its next meeting. Prosecutions and compositions to be reported to panchayat or panchayat union council.

169. (1) When the president or the executive authority or the chairman or vice-chairman of a panchayat union council or the commissioner or any member is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of the Government. Sanction for prosecution.

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*Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) When according previous sanction under sub-section (1), it shall be open to the Government to direct by order that the president, executive authority, chairman, vice-chairman or commissioner, as the case may be, shall not discharge his duties as such until the disposal of the case.

Notice of action against panchayat, etc.

170.(1) Subject to the provisions of seciton 171, no suit or other legal proceeding shall be brought against any panchayat or its president or executive authority or any panchayat union council or its chairman or the commissioner or any member, officer or servant thereof or against any person acting under the direction of such panchayat, president, panchayat union council, chairman, executive authority, commissioner, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it until the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff has been left at the office of the panchayat or panchayat union council, and if the proceeding is intended to be brought against any such president, executive authority, chairman, commissioner, member, officer, servant or person, also delivered to him or left at his place of residence.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any, panchayat, panchayat union council or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

Protection of chairman, president and officers acting in good faith.

171. No suit or other legal proceeding shall be brought against the chairman, commissioner, president, executive authority or any member, officer or servant of a panchayat union council or panchayat, or any person acting under the direction of a panchayat union council or panchayat or of

such chairman, commissioner, president, executive authority, member, officer or servant in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, by-law, regulation or order made under it, if such act was done, or such neglect or default occurred in good faith ; but any such proceeding shall, so far as it is maintainable in a court, be brought against the panchayat union council or the panchayat execpt in the case of suits brought under section 173.

Injunctions not to be granted in election proceedings.

172. Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 1908), or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

Liability of the president, executive authority and members for loss, waste or misapplication of property.

173. (1) The president, executive authority and every member of a panchayat and the chairman, commissioner and every member of a panchayat union council shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the panchayat or panchayat union council if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted againt him in any court of competent jurisdiction by the panchayat or panchayat union council with the previous sanction of the Inspector.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Assessment, etc. not or be impeached.

174. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (*a*) in respect of the name, residence, place of business or occupation of any person, or (*b*) in the description of any property or thing, or (*c*) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of assessment or collection of money made under the said authority:

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, and of the rules and by-laws made thereunder have in substance and effect been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

Public roads, markets, wells, tanks, etc., to be open to all.

175. All roads, markets, wells, tanks, reservoirs and waterways vested in or maintained by a panchayat or a panchayat union council shall be open to the use and enjoyment of all persons, irrespective of their caste or creed.

Power to farm out fees.

176. A panchayat or a panchayat union council shall have power to farm out the collection of any fees due to it under this Act or any rule, by-law or regulation made thereunder for any period not exceeding three years at a time, on such conditions as it thinks fit.

Adjudication of disputes between local authorities.

177. (1) When a dispute exists between a panchayat or a panchayat union council and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the panchayat or the panchayat union council and the other local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute, and—

(*a*) decide it themselves, or

(*b*) refer it for inquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted for the purpose.

(2) The report referred to in clause (*b*) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under clause (*a*) of sub-section (1) or under sub-section (2) may be modified from time to time by the Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on the panchayat, the panchayat union council and each of the other local authorities concerned and shall not be liable to be questioned in any Court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

CHAPTER VII—RULES, BY-LAWS AND PENALTIES.

RULES.

Power of Government to make rules.

178. (1) The Government shall, in addition to the rule making powers conferred on them by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to the principles to be followed in regard to the exclusion of any local area from or the inclusion of any local area in, a village or town under sub-section (2) of section 3, or in regard to the constitution of any local area as, or the inclusion of any local area in, a municipality under section 5 ;

(ii) as to all matters relating to electoral rolls or elections not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections ;

(iii) as to the period within which a panchayat union council may co-opt women and members of the [1] [Scheduled Castes and Scheduled Tribes] under the proviso to sub-section (1) of section 12 and the manner of filling vacancies if no women or member of the [1] [Scheduled Castes and Scheduled Tribes] is co-opted ;

(iv) as to the determination of the population for the purposes of this Act ;

(v) as to the resignations of chairmen, vice-chairmen and members of panchayat union councils and of the presidents, vice-presidents and members of panchayats, and the dates on which such resignations shall take effect ;

(vi) as to the interpellation of the chairman and vice-chairman by the members of a panchayat union council and of the president of a panchayat by the members of the panchayat, and the moving of resolutions at meetings ;

(vii) as to the constitution of committees of the panchayat union councils and of panchayats, the inclusion of outsiders therein and the delegation of functions to such committees ;

(viii) providing for the procedure to be followed at meetings of the panchayat union councils and at committees thereof and for the conduct of business and the number of members which shall form a quorum at any meeting ;

[2][(viii-a) providing for the classification of resolutions of panchayats as those involving financial implications or otherwise and for laying down the proportion of the sanctioned strength of panchayat with whose support such resolution shall be carried ;]

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1 These words were substituted for the words "Scheduled Castes" by section 15(i) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

2 This clause was added by section 17 of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

(ix) as to the powers of the panchayat union council, its chairman and committees thereof with respect to the incurring of expenditure and the powers and duties of the commissioner ;

(x) providing for the travelling and other allowances of the chairman, vice-chairman and other members of the panchayat union council and of members of the committees of the panchayat union council ;

(xi) as to the delegation of any function of a panchayat or panchayat union council to the president, chairman, member, any officer of the panchayat or panchayat union council or any servant of the Central or State Government ;

(xii) for the lodging and investment of the moneys of the panchayat and the panchayat union council and for the manner in which such moneys may be drawn upon ;

(xiii) as to the transfer of allotments entered in the sanctioned budget of a panchayat or panchayat union council from one head to another ;

(xiv) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by panchayats and panchayat union councils ;

(xv) as to the preparation of plans and estimates for works and the power of panchayats or panchayat union councils and of servants of the Central or State Government to accord professional or administrative sanction to estimates ;

(xvi) as to the accounts to be kept by panchayats and panchayat union councils, the audit and publication of such accounts and the conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted ;

[1][(xvi-a) as to the powers of auditors to disallow and surcharge items, appeals against orders of disallowance or surcharge, and recovery of sums disallowed or surcharged ;]

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1 This clause was inserted by section 15 (ii) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

(xvii) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses and to compel the production of documents, and all other matters connected with audit, inspection and superintendence ;

(xviii) as to the conditions on which property may be acquired by a panchayat or panchayat union council, or on which property vested in or belonging to a panchayat or panchayat union council may be transferred by sale, mortgage, lease, exchange or otherwise ;

(xix) as to the conditions on which and the mode in which contracts may be made by or on behalf of panchayats and panchayat union councils ;

(xx) as to the assessment of taxes under this Act and the revision of assessments ;

(xxi) as to the acceptance in lieu of any tax due under this Act of any service by way of labour, cartage or otherwise :

(xxii) as to the realization of any tax or other sum due to a panchayat or panchayat union council under this Act or any other law or any rules or by-laws, whether by distraint and sale of movable property, by prosecution before a Magistrate, by a suit, or otherwise ;

(xxiii) as to the realization of fees due in respect of the use of cart-stands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise ;

(xxiv) as to the form and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof ;

(xxv) as to the powers of executive authorities and commissioners to call for information on any matter, to summon and examine witnesses, and to compel the production of documents ;

(xxvi) for the use of the facsimiles of the signatures of the executive authorities, commissioners and officers of panchayats and panchayat union councils ;

(xxvii) as to the grant to the public of copies of any proceeding or record of the panchayat or panchayat union council not relating to any matter classified as confidential by the Government or any authority empowered by them, and the fees to be levied for the grant of such copies ;

(xxviii) as to the opening, maintenance, management and supervision of elementary schools ;

[1][xxix. * * * * * *]

(xxx) regulating contracts between the panchayat and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth ;

(xxxi) as to the provision of burial and burning grounds ; the licensing of private burial and burning grounds ; the regulation of the use of all grounds so provided or licensed ; the closing of any such grounds; and the prohibition of the disposal of corpses except in such grounds or other permitted places ;

(xxxii) as to the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs ;

(xxxiii) as to the regulation or restriction of building and the use of sites for building ;

(xxxiv) for the removal of encroachments of any description from public roads vesting in panchayats or panchayat union councils and the repair of any damage caused to such roads by the person causing the damage or at his expense ;

(xxxv) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to panchayats or on porambokes or on lands the use of which is regulated by them under section 86 or section 87 ; and for the presumptions to be drawn as regards the ownership of such trees ;

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[1] The following clause was omitted by Part III (13) of the Schedule to, and section 85 of, the Madras Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978) :—

(xxix) Prohibiting or regulating the use for any specified purposes, of any public spring, tank, well or watercourse or of any private spring, tank, well or watercourse, with the consent of its owner, or without such consent.

(xxxvi) as to the imposition and recovery of penalties for the unauthorised occupation of public roads or other land vesting in or belonging to panchayats or panchayat union councils and the assessment and recovery of compensation for and damage caused by such occupation ;

(xxxvii) as to the powers which may be exercised by the panchayat or the executive authority or by the panchayat union council or the commissioner in respect of any public or private market or the user thereof, and the enforcement of any orders issued in pursuance of such powers ;

(xxxviii) for compelling owners of cattle to stall them in cattle-sheds provided by the panchayat and the fees leviable in respect thereof ;

(xxxix) as to the disposal of household and farm-yard waste in the village, the acquisition of land by the panchayat or laying out plots for digging pits in which such waste may be thrown, the assisgnment of any of those plots to persons in the village, and the conditions subject to which such assignment may be made, including the rent to be charged ;

(xl) as to the duties to be discharged by village officers in relation to panchayats and their executive authorities, and to panchayat union councils and their chairman and commissioners ;

(xli) as to appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act or by rules or otherwise should be presented ;

(xlii) as to the classification of public roads and fairs and festivals as appertaining to the pancahayat union council or the panchayat ;

(xliii) for regulating the sharing between local authorities in the State of the proceeds of any tax or income levied or obtained under this or any other Act ;

(xliv) for the decision of disputes between two or more local authorities of which one is a panchayat or a panchayat union council ;

(xlv) regulating the principles in accordance with which grants and contributions may be paid by the Government to the panchayat union councils and panchayats.

(xlvi) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts.

(xlvii) as to the manner of publication of any notifications or notices to the public under this Act.

Penalties for breach of rules.

179. [1][ ] In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees, or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach.

[2][(2) * * *]

[2][(3) * * *]

[2][(4) * * *]

BY-LAWS.

By-laws and penalties for their breach.

180. (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a panchayat or a panchayat union council may, with the approval of the Inspector, make by-laws for carrying out any of the purposes for which it is constituted.

(2) In making a by-law the panchayat or panchayat union council may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the panchayat or panchayat union council not exceeding fifteen rupees or, in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of by-laws, the publication thereof, and the date on which they shall come into effect.

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1 The brackets and figure "(1)" were omitted by section 16 (i) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

2 Sub-sections (2), (3) and (4) were omitted by section 16 (ii), *ibid.*

PENALTIES.

General provisions regarding penalties specified in the Schedules.

181. (1) Whoever—

(*a*) contravenes any of the provisions of this Act specified in the first and second columns of Schedule II, or

(*b*) contravenes any rule or order made under any of the provisions so specified, or

(*c*) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provisions,
shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any of the provisions of this Act specified in the first and second columns of Schedule III, or

(*b*) contravening any rule or order made under any of the provisions so specified, or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions,
continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules II and III headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are intended merely as references to the subject dealt with therein.

182. (1) Whoever acts as a member of a panchayat or panchayat union council knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding two hundred rupees for every such offence.

Penalty for acting as member, president or Vice-president of a panchayat or as member, chairman or vice-chairman of a panchayat union council, when disqualified.

(2) Whoever acts as the president, temporary president or vice-president of a panchayat, or exercises any of his functions including where he is also the executive authority, any of his functions as such and whoever acts as the chairman, temporary chairman or vice-chairman or a panchayat union council or as commissioner or exercises any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding one thousand rupees for every such offence.

(3) Any person who having been the president, temporary president or vice-president of a panchayat, or the chairman, temporary chairman or vice-chairman of a panchayat union council fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the panchayat or panchayat union council, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(*a*) in every case as soon as his term of office as such president, temporary president or vice-president or as such chairman, temporary chairman or vice-chairman expires;

(*b*) in the case of a person who was the vice-president also on demand by the president ; and

(*c*) in the case of a person who was the vice-chairman also on demand by the chairman,

shall be punishable with fine not exceeding one thousand rupees for every such offence.

183. If any officer or servant of a panchayat or panchayat union council knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the panchayat or panchayat union council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (Central Act XLV of 1860);

Penalty for acquisition by an officer or servant of interest in contract work.

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the panchayat or panchayat union council unless he is a director of such company.

Wrongful restraint of executive authority or commissioner or his delegate. 184. Any person who prevents the executive authority or the commissioner or any person to whom the executive authority or the commissioner has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or therinto shall be deemed to have committed an offence under section 341 of the Indian Penal Code (Central Act XLV of 1860).

Prohibition against obstruction of panchayats, or panchayat union councils, etc., 185. Any person obstructing or molesting a panchayat, or the panchayat union council or the president, the executive authority or a member of the panchayat, or the chairman or a member of a panchayat union council or the commissioner, or any person employed by the panchayat or panchayat union council or any person with whom a contract has been entered into by or on behalf of the panchayat or panchayat union council in the discharge of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any rule, by-law, regulation or order made thereunder, shall be punished with fine which may extend to fifty rupees.

Prohibition against removal or obliteration of notice. 186. Any person who, without authority in that behalf removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of, a panchayat or its executive authority, or by or under the orders of a panchayat union council or the commissioner, shall be punishable with fine which may extend to fifty rupees.

Penalty for not giving information or giving false information. 187. Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information, or knowingly furnishes false information, shall be punishable with fine not exceeding one hundred rupees.

MISCELLANEOUS.

188. (1) The provisions of this section shall apply when a panchayat is constituted for the first time, notwithstanding anything contained in this Act.

Special provisions in the case of new panchayats.

(2) The election authority shall make arrangements for the election of the members [1] [and of the president] of the panchayat, so that the newly elected members [1] [and the president] may come into office on the date specified in the notification issued by the Inspector under section 8, sub-section (1), for the constitution of the panchayat :

Provided that the Inspector shall have power from time to time to postpone the date so specified if, for any reason, it is not found possible to complete the elections in time.

(3) The term of office of the members [2] [and of the president] elected under sub-section (2) or of the members [2][and of the president] elected in their places in casual vacancies shall expire in such year and on such date as the Inspector may fix.

[3] [**188-A.** (1) Notwithstanding anything contained in this Act, when a panchayat union is newly constituted for a panchayat development block under this Act or under the [4][Tamil Nadu] Panchayats (Amendment and Miscellaneous Provisions) Act, 1964, the Government may appoint the Development Officer referred to in sub-section (1) of section 44 as special officer to exercise the powers, discharge the duties and perform the functions of the panchayat union council, its chairman or commissioner, as the case may be.

Special provisions in the case of new panchayat unions.

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[1] These words were inserted by section 18 (1) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

[2] These words were inserted by section 18 (2) of the Tamil Nadu Panchayats (Amendment) Act, 1970 (Tamil Nadu Act 11 of 1970).

[3] This section was inserted by section 17 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

[4] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(2) The special officer shall exercise the powers, discharge the duties and perform the functions of the panchayat union council, its chairman or commissioner until the members of the panchayat union council have come into office and a chairman has been elected or a commissioner has been appointed, as the case may be.

[1][(3) * * *

(4) Where in any newly constituted panchayat union or part thereof, there is no panchayat, the special officer shall exercise all the powers including the power of taxation, discharge the duties, perform the functions and be credited with the receipts and debited with the charges of the panchayat and shall also exercise the powers, discharge the duties and perform the functions of the president and the executive authority respectively in the panchayat union or part thereof.]

Application of Act to transferred territory.

189. (1) With effect on and from the date of the constitution of a panchayat union council for any panchayat development block in the transferred territory under this Act (hereinafter in these section referred to as the said date) the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950), as in force in the transferred territory, immediately before the said date shall stand repealed in the transferred territory.

(2) Any reference in this Act to a law which is not in force in the transferred territory on the said date shall, in relation to the transferred territory, be construed as a reference to the corresponding law, if any, in force in the transferred territory on the said date.

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[1] The following sub-section which was inserted by section 17 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964) was omitted by section 13 of the Tamil Nadu Panchayats (Second Amendment) Act, 1978 (Tamil Nadu Act 13 of 1978):—

"(3) As soon as may be after the members of a panchayat union council have come into office a meeting of the panchayat union council shall be held on a day and at a time fixed by the special officer for the election of a chairman. If at such meeting, no chairman is elected, a fresh election shall be held on such day and at such time as may be fixed by the special officer.

(3) Any reference to the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950), in any existing law which continues to be in force in the transferred territory after the said date shall, in relation to that territory be construed as a reference to this Act.

(4) Any reference by whatever form of words in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under this Act, have effect as if it were a reference to that new authority.

(5) The repeal by sub-section (1) of the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950), shall not affect—

(*a*) the previous operation of that Act or anything done or duly suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under that Act; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against that Act; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(6) Subject to the provisions of sub-section (5) anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950), shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(7) For the purpose of facilitating the application of this Act in the transferred territory, any court or other authority may construe this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court ot other authority.

Explanation.—For the purpose of this section—

(1) "transferred territory" means the part of the Kanyakumari district or of the Shencottah taluk of the Tirunelveli district comprising a panchayat development block for which a panchayat union council has been constituted under this Act;

(2) "existing law" means any law, ordinance, proclamation, regulation, order, by-law or rule passed or made before the commencement of this Act, by any legislative authority or person having power to make such a law, ordinance, proclamation, regulation, order, by-law or rule.

Act to be read subject to Schedule IV in regard to first reconstitution of panchayats, and first constitution of panchayat union councils, etc.

190. (1) In regard to the first constitution of panchayat union councils in accordance with the provisions of this Act and in regard to the first reconstitution in accordance with the provisions of this Act of panchayats in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule IV.

(2) The Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

Panchayats to cease to perform functions of panchayat courts.

***191.** On the constitution of a panchayat union council in respect of any panchayat development block under this Act—

(i) every panchayat constituted or deemed to be constituted under the [1] [Tamil Nadu] Village Panchayats Act, 1950 ([1][Tamil Nadu] Act X of 1950), for any village shall cease to be a panchayat court for that village or town for the purposes of section (9) (1) of the [1][Tamil Nadu] Village Courts Act, 1888 ([1][Tamil Nadu] Act I of 1889), and the members (including the president and vice-president) of

[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment Order), 1969.

*All decress and orders passed, all documents received, all proceedings taken, and all other acts and things done, by or before the panchayat constituted or deemed to have been constituted under the Tamil Nadu Village Panchayats Act, 1950 (Tamil Nadu Act X of 1950) and deemed to be a Panchayat Court under section 132 there of during the period from the 2nd October 1960 to the date of publication of the Tamil Nadu Panchayat Courts (Validation of Proceedings) Act, 1970 (Tamil Nadu Act 3 of 1971) were deemed to have been validly passed, received, taken or done by virtue of section 2 of the latter Act.

such panchayat shall with effect from such dates cease to be ex-officio members of such panchayat court and the president and vice-president aforesaid shall with effect from such date also cease to be ex-officio president and vice-president respectively of the panchayat court ; and

(ii) all suits and proceedings, civil or criminal pending in the panchayat on the date aforesaid shall stand removed to the panchayat court constituted for the area concerned under section 9 (1) of the [1][Tamil Nadu] Village Courts Act, 1888 ([1][Tamil Nadu] Act I of 1889), and if no such Court has been constituted for that area, to the court of the village munsif appointed under section 7of the said Act, and the said panchayat court or the said court of the village munsif shall have jurisdiction to hear and determine the same, and the judgments and orders of the panchayat dilivered or made before the date aforesaid shall have the same force and effect as if they had been delivered or made by the panchayat court or village court under the [1][Tamil Nadu] Village Courts Act, 1888 ([1][Tamil Nadu] Act I of 1889).

192. On the constitution of a panchayat union council in respect of any panchayat development block under this Act the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu]Act Vof 1920), shall apply to that panchayat development block subject to the following modifications, namely :— **Amendment of [2][Tamil Nadu Act] V of 1920.**

(*a*) in section 4, sub-section (1), for the words "The State Government", the words "Subject to the provisions of section 5 of the [1][Tamil Nadu] Panchayats Act, 1958, the State Government" shall be substituted ;

(*b*) in section 249 —

(i) in sub-section (1) —

(*a*) the words "or at a distance within three miles of such limits" shall be omitted;

(*b*) for the proviso, the following proviso shall be substituted, namely:—

" Provided that no such notification shall take effect until sixty days from the date of publication."

(ii) sub-section (6) shall be omitted.

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1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 This expression was substituted for the expression "Madras Acts' by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order 1970.

Amendment of [1][Tamil Nadu] Act VIII of 1920.

193. On the constitution of a panchayat union council in respect of any panchayat development block under this Act, the [1][Tamil Nadu] Elementary Education Act, 1920 ([1][Tamil Nadu] Act VIII of 1920) shall apply to that panchayat development block subject to the following modifications, namely :—

(i) in section 3 —

(*a*) clause (iv) shall be omitted ;

(*b*) in clause (ix), for the words " district board", the words "Panchayat union council" shall be substituted ;

(*c*) for clause (x-b), the following clause shall be substituted, namely :—

"(x-b) 'Panchayat union council' means a panchayat union council constituted under the [1][Tamil Nadu] Panchayats Act, 1958." ;

(ii) in section 32—

(*a*) for the words "local authority", the words "municipal council" shall be substituted ;

(*b*) for the words " such authority" wherever they occur, the words "such municipal council" shall be substituted ;

(iii) in section 33 for the words "local authority" wherever they occur, the words "municipal council" shall be sustituted ;

(iv) in section 34, sub-section (2) shall be omitted and the brackets and figure " (1)" occuring at the beginning of sub-section (1) shall be omitted ;

(v) in section 35 —

(*a*) for the words "local authority" wherever they occur, the words "municipal council" shall be substituted ;

(*b*) the last proviso to sub-section (1) shall be omitted ;

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1 These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adapatation of Laws (Second Amendment) Order 1969.

(vi) in section 36—

(*a*) in sub-section (1), the brackets and figure "(1)" occuring at the beginning shall be omitted, and the words "or local boards as the case may be" shall be omitted;

(*b*) sub-section (2) shall be omitted ;

(vii) in section 37—

(*a*) in sub-section (1), the expression "sub-section (1)" wherever it occurs shall be omitted ;

(*b*) sub-section (2) shall be omitted and sub-sections (3) and (4) shall be renumbered, as sub-sections (2) and (3) respectively ;

(*c*) in sub-section (2) as renumbered, the words, brackets and figure "or sub-section (2) " shall be omitted ;

(*d*) in sub-section (3) as renumbered , for the words, brackets and figures "sub-sections (1) to (3)", the words, brackets and figures "sub-sections (1) and (2)" shall be substituted and the words "or district board area as the case may be" shall be omitted ;

(viii) in section 38, sub-sections (1) and (2), for the words " local authority " the words " municipal council " shall be substituted ;

(ix) in section 39, for the words " local authority" the words " municipal council " shall be substituted ;

(x) in section 40, for the words and figures " or in the [1][Tamil Nadu] Local Boards Act, 1920 " the words and figures " or in the [1][Tamil Nadu] Panchayats Act, 1958" shall be substituted ;

(xi) in section 45, sub-section (2), in the first proviso, for the words " the local authority" the words " in the case of a municipality, the municipal council " shall be substituted ;

(xii) in section 47, sub-section (1), for the word " panchayat" the words "panchayat union council" shall be substituted ;

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1 These words were substitured for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(xiii) in section 51, sub-section (3), for the words " district board" the words "panchayat union council" shall be substituted ;

(xiv) in section 56, sub-section (2), clause (*f*), the words " by panchayats " shall be omitted.

Amendment of [2][Tamil Nadu Act] III of 1931.

194. On the constitution of a panchayat union council in respect of any panchayat development block under this Act, the [1][Tamil Nadu] Motor Vehicles Taxation Act, 1931* ([1][Tamil Nadu] Act III of 1931), shall apply to that panchayat development block subject to the following modifications, namely :—

(i) in section 2, clause (iii), the words " or a district board " shall be omitted ;

(ii) in section 10, sub-section (1), clause (*a*)—

(*a*) for sub-clause (iv), the following sub-clause shall be substituted, namely :—

" (iv) Fourthly, there shall be paid to each municipal council a sum equivalent to the average annual income derived by such council during the three years ending on the 31st day of March immediately preceding the commencement of the [1][Tamil Nadu] Traffic Control Act, 1938 ([1][Tamil Nadu] Act V of 1938] from fees on licences granted to motor vehicles under section 174-A of the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920) :

Provided that where a municipality is constituted on or after the first day of April 1938, there shall be paid to the municipal council such sum as the State Government may, by order, determine." ;

(*b*) the proviso occuring after sub-clause (v) shall be omitted.

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[1] These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* Now the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974).

[2] This expression was substituted for the expression " Madras Act " by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

195. On the constitution of a panchayat union council in respect of any panchayat development block under this Act, the [1][Tamil Nadu] Entertainments Tax Act, 1939 ([2][Tamil Nadu] Act X of 1939), shall apply to that panchayat development block subject to the following modifications, namely :— Amendment of [1][Tamil Nadu Act] X of 1939.

(i) in section 3, for clause (6), the following clause shall be substituted, namely :—

"(6) 'local authority' means—

(*a*) in the City of Madras, the Corporation of Madras ;

(*b*) in any other municipal area, the municipal council concerned ;

(*c*) in any panchayat development block as defined in the [1][Tamil Nadu] Panchayats Act, 1958, the panchayat union council or a panchayat." ;

(ii) for section 13, the following section shall be substituted, namely :—

"13. *Payment of compensation to local authorities*—(1) Ten per cent of the proceeds of the tax under section 4 collected every year in respect of entertainments held within the jurisdiction of any local authority shall be credited to the State Government, and the balance of ninety per cent shall be paid to the local authority :

Provided that the State Government may direct that such balance shall be distributed between the local authority aforesaid and any other local authority or authorities in the neighbourhood in such proportions as the State Government may fix :

Provided further that in respect of entertainments held within a panchayat development block the balance of ninety per cent of the proceeds of the tax aforesaid shall be

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[1]This expression was substituted for the expression "Madras Act" by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

[2]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

distributed between the panchayat union council and the panchayats functioning in the panchayat development block in such proportions as the State Government may fix :

Provided also that nothing contained in this section shall be deemed to prevent the State Government from modifying at any time any order which assigns the entire balance of ninety per cent of the proceeds of the tax to a local authority or as the case may be, fixes the proportions in which such balance should be distributed among the local authorities if, in the opinion of the State Government,—

(*a*) the said order had been passed under any mistake whether of fact or of law ; or

(*b*) the said order had been passed in ignorance of or without duly taking into account any material fact ; or

(*c*) any new circumstances have arisen since the order was passed which make it expedient to modify it :

Provided also that no such modification shall be made in respect of any period after the expiry of two years from the end of that period.

(2) Whenever any modification is made under the third proviso to sub-section (1) in respect of any period, the State Government may recover from any local authority any sum paid to it in excess of what it would have been entitled to in accordance with the order as modified." ;

Amendment of [2][Tamil Nadu Act] XIII of 1957.

196. In section 2 of the [1][Tamil Nadu] District Boards (Amendment) Act, 1957 ([1][Tamil Nadu] Act XIII of 1957), for clause (i), the following clause shall be substituted, namely :—

" (i) to postpone the elections to every district board up to such date not being later than the 2nd day of October 1961 as the State Government may fix ; and ".

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1 These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 This expression was substituted for the expression " Madras Acts " by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1970.

Construction of reference to "local boards", "[1][Tamil Nadu] Local Boards Act", 1920.

197. In the application of any law, rule, by-law, regulation, notification, scheme, form or order to any panchayat development block after the constitution of a panchayat union council for that panchayat development block under this Act, in the absence of an intention to the contrary appearing in this Act and unless the Government otherwise direct—

(i) any reference to a panchayat shall be deemed to be a reference to a panchayat as reconstituted or constituted under this Act;

(ii) any reference to a village or local area shall be deemed to be a reference to a panchayat village, panchayat town, panchayat development block or a panchayat union as the circumstances may require ;

(iii) any reference to local boards shall be deemed to be a reference to district boards, panchayat union councils and panchayats ;

(iv) any reference to the [1][Tamil Nadu] Local Boards Act, 1920, shall be deemed to be a reference to the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), the [1][Tamil Nadu] Village Panchayats Act, 1950 ([1][Tamil Nadu] Act X of 1950) and the [1][Tamil Nadu] Panchayats Act, 1958 ;

(v) any reference to the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), or the [1][Tamil Nadu] Village Panchayats Act, 1950 ([1][Tamil Nadu] Act X of 1950), shall be deemed to be a reference to the [1][Tamil Nadu] Panchayats Act, 1958 ; and

(vi) any reference to a district board or its president shall be deemed to be a reference to the panchayat union council having jurisdiction or its chairman as the case may be.

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[1]These words were substituted for the word "Madras" by the, Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Power to remove difficulties.

198. [1][ ] If any difficulty arises in first giving effect to the provisions of this Act, or as to the first constitution or reconstitution of any panchayat or panchayat union council after the commencement of this Act, the Government as occasion may require, may by order, do anything which appears to them necessary for the purpose of removing the difficulty.

[2][(2) * * * *]

Rules, notifications and orders to be laid before the Legislature.

[3][199. (1) All rules, notifications and orders made or issued under this Act shall be published in the *Fort St. George Gazette,** and unles they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(2) Every rule, notification or order made or issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule, notification or order, or both Houses agree that the rule, notification or order should not be made or issued, the rule, notification or order shall, thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or order.]

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1 The brackets and figures "(1)" were omitted by section 18(i) of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

2 This sub-section was omitted by section 18(ii) of the Tamil Nadu Panchayats (Amendment and Miscellaneous provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

3 This section was inserted by section 19 of the Tamil Nadu Panchayats (Amendment and Miscellaneous Provisions) Act, 1964 (Tamil Nadu Act 18 of 1964).

*Now the *Tamil Nadu Government Gazette.*

[1][SCHEDULE I.]

[*See* section 120 (3-A).]

Basis of levy. (1)	*If the tax is levied every half-year.* (2) *Minimum rate per half-year.* (i)	*If the tax is levied every half-year.* (2) *Maximum rate per half-year.* (ii)	*If the tax is levied every year.* (3) *Minimum rate per year.* (i)	*If the tax is levied every year.* (3) *Maximum rate per year.* (ii)
(*a*) If the tax is levied on the bassis of the capital value.	1/16 per cent of the capital value.	½ per cent of the capital value.	1/8 per cent of the capital value.	One per cent of the capital value.
(*b*) If the tax is levied on the basis of the annual value.	One per cent of the annual value.	10 per cent of the annual value.	Two per cent of the annual value.	20 per cent of the annual value.
(*c*) If the tax is levied on the basis of classified plinth area—	RS. P.	RS. P.	RS. P.	RS. P.
(i) Terraced	0 75 For every 9·25 square metres or part thereof of the plinth area.	3 00 For every 9·25 square metres or part thereof of the plinth area.	1 50 For every 9·25 square metres or part thereof of the plinth area.	6 00 For every 9·25 square metres or part thereof of the plinth area.
(ii) Partly terraced and partly tiled or thatched.	0 50 Do.	1 50 Do.	1 00 Do.	3 00 Do.
(iii) Tiled	0 40 Do.	1 00 Do.	0 80 Do.	2 00 Do.
(iv) Partly tiled and Partly thatched.	0 25 Do.	0 75 Do.	0 50 Do.	1 50 Do.
(v) Thatched	0 20 Do.	0 50 Do.	0 40 Do.	1 00 Do.

[1] This Schedule was substituted by section 3 of the Tamil Nadu Panchayats (Amendment) Act, 1969 (Tamil Nadu Act 8 of 1969) for the following Schedule I, which was substituted for the original Schedule I by section 6 of the Tamil Nadu Panchayats (Amendment) Act, 1965 (Tamil Nadu Act 38 of 1965) :—

"SCHEDULE I.

[*See* section 120 (3).]

Basis of levy.	*If the tax is levied every year.* *Minimum rate per year.*			*Maximum rate per year.*		
(1)	(2)			(3)		
(*a*) If the tax is levied on the basis of the capital value.	$\frac{1}{8}$ per cent of the capital value.			One per cent of the capital value.		
(*b*) If the tax is levied on the basis of the annual value.	Two per cent of the annual value.			20 per cent of the annual value.		
(*c*) If the tax is levied on the basis of classified plinth area—						
	RS.	P.		RS.	P.	
(i) Terraced ..	1	50	For every 9·25 square metres or part thereof of the plinth area.	6	00	For every 9·25 square metres or part thereof of the plinth area.
(ii) Partly terraced and partly tiled or thatched.	1	00	Do.	3	00	Do.
(iii) Tiled	0	80	Do.	2	00	Do.
(iv) Partly tiled and partly thatched.	0	50	Do.	1	50	Do.
(v) Thatched ..	0	40	Do.	1	00	Do."

SCHEDULE II.

ORDINARY PENALTIES.

[*See* section 181 (1).]

Section.	*Sub-section or clause.*	*Subject.*	*Fine which may be imposed.*
(1)	(2)	(3)	(4)
79	(1)	Failure to obey requisition to fence off, take down, secure or repair dangerous structure.	Five hundred rupees.
80	(1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	Fifty rupees.
81	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Fifty rupees.
82	(1) (*a*)	Unlawful building of wall or erecting of fence, etc., in or over public road.	One hundred rupees.
82	(1) (*b*)	Unlawful making of hole or depositing of matter in or upon public road.	Fifty rupees.
82	(1) (*c*)	Unlawful quarrying in any place near public road, etc.	Fifty rupees.
82	(1) (*d*)	Unlawful erection of building over drain.	Two hundred rupees.
82	(1) (*e*)	Planting of trees without permission on any public road or other property vested in a panchayat or panchayat union council.	Two hundred rupees.

Section.	*Sub-section or clause.*	*Subject.*	*Fine which may be imposed.*
(1)	(2)	(3)	(4)
82	(1) (*f*)	Felling, etc., without permission of trees growing on public road or other property vested in a panchayat or on a poramboke or land the use of which is regulated by it under section 86 or section 87.	Two hundred rupees.
91		Failure to close place of public entertainment.	Two hundred rupees.
92		Sending infected child to school.	Fifty rupees.
94		Failure to give information of small pox.	Fifty rupees.
95	(1)	Failure to obey requisition to fill in, etc., tank or other place dangerous to public health or safety.	Fifty rupees.
96	(1)	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Fifty rupees.
100	(1)	Opening a new private market or continuing to keep open a private market without licence or contrary to licence.	Five hundred rupees.
100	(3)	Levy of fees in private market without a certificate.	One hundred rupees.
102		Sale or exposure for sale in public or private market of any animal or article without permission.	Twenty rupees.

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
103		Sale, etc., of articles in public roads or places after prohibition or without licence or contrary to regulations.	Ten rupees.
106 (b)		Using any public place or road side as a landing or halting place or as a cart-stand within prohibited distance.	Fifty rupees.
107 (1)		Opening a private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence.	Two hundred rupees.
109 (a)		Slaughtering, cutting up or skinning, etc., of animals outside public slaughter-houses in contravention of rules.	Two hundred rupees.
109 (b)		Slaughtering animals for purposes of sale without licence or contrary to licence.	Twenty rupees.
110 (2)		Unlawful destruction, etc., of number of buildings.	Five rupees.
110 (3)		Failure to replace number when required to do so.	Twenty rupees.
111		Using a place for offensive or dangerous trade without licence or contrary to licence.	One hundred rupees.
112		Unlawful erection of factory, workshop, etc.	One thousand rupees.
175		Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	One hundred rupees.

SCHEDULE III.

PENALTIES FOR CONTINUING BREACHES

[*See* section 181 (2)].

Section.	*Sub-section or clause.*	*Subject.*	*Fine which may be imposed.*
(1)	(2)	(3)	(4)
79	(1)	Failure to obey requisition to fence off, take down, secure or repair dangerous structure.	Fifty rupees.
80	(1)	Failure to obey requisition to secure, lop or cut down dangerous trees.	Ten rupees.
81		Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees, or lower an enclosing wall.	Ten rupees.
82	(1) (*a*)	Unlawful building of wall or erecting of fence, etc., in or over public road.	Twenty rupees.
82	(1) (*b*)	Unlawful making of hole or depositing of matter in or upon public road.	Ten rupees.
82	(1) (*c*)	Unlawful quarrying in any place near public road, etc.	Ten rupees.
82	(1) (*d*)	Unlawful erection of building over drain.	Fifty rupees.
91		Failure to close place of public entertainment.	One hundred rupees.
95	(1)	Failure to obey requisition to fill in, etc., tank or other place dangerous to public health or safety.	Ten rupees

Section.	*Sub-section or clause.*	*Subject.*	*Fine which may be imposed.*
(1)	(2)	(3)	(4)
96	(1)	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Ten rupees.
100	(1)	Keeping open a private market without licence or contrary to licence.	One hundred rupees.
100	(3)	Levy of fees in private market without a certificate.	Fifty rupees.
102		Sale or exposure for sale in public or private market of animal or article without permission.	Ten rupees.
107	(1)	Keeping open a private cart-stand without licence or contrary to licence.	Twenty rupees.
111		Using a place for an offensive or dangerous trade without a licence or contrary to licence.	Twenty rupees.
112		Unlawful erection of factory, workshop, etc.	One hundred rupees.

SCHEDULE IV.

TRANSITIONAL PROVISIONS.

(*See* Section 190.)

1. In these rules,—

(i) "the said date" means the date specified in the notification issued under section 11, sub-section (1), constituting a panchayat union council under this Act ;

(ii) "the old Act" means the [1][Tamil Nadu] Village Panchayats Act, 1950 ([1][Tamil Nadu] Act X of 1950) ;

(iii) "panchayat" means a panchayat constituted under the old Act and in existence on the said date ;

(iv) "village" means any local area which was declared to be a village under the old Act.

2. Every panchayat which was classified as a class I panchayat under the old Act shall on the said date be deemed to have been classified as a town panchayat under this Act and all panchayats which before the said date were known as class II panchayats shall, after the said date be known as village panchayats.

3. Every local area which, immediately before the said date, was within the jurisdiction of a class I panchayat shall be deemed to have been declared to be a panchayat town under this Act and every local area which immediately before the said date was within the jurisdiction of a class II panchayat shall be deemed to have been declared to be a panchayat village under this Act.

4. The total number of members of a panchayat fixed under the old Act and in force on the said date shall be deemed to be the total number of its elected members under this Act.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

ıe members of a panchayat holding office on the ; shall be deemed to be the elected members of the at under this Act and such members shall continue office up to such date as the Government may, by tion, fix in this behalf or in case no such date is ıp to the date on which their term of office would ;xpired, if this Act had not come into force.

The reservation of seats for the members of the uled Castes made under the old Act and in force on ıid date shall be deemed to have been made under Act.

(1) Any division of a class I panchayat village or a ; II panchayat village into wards made under the old Act in force on the said date shall with effect on and from said date be deemed to be a division of a panchayat n or a panchayat village into wards made under this Act.

(2) The Inspector shall, as soon as may be after the d date, determine the ward which each of the members o is deemed to be an elected member under rule 5 shall deemed to represent.

3. The president and vice-president of a panchayat lding office on the said date shall, subject to the provisions this Act, continue to hold office as such president or ;e-president up to the date referred to in rule 5.

9. (1) Any vacancy in the office of the president or ce-president of a panchayat which is in existence on the ıid date or which occurs before the date referred to in rule shall be filled by election under the provisions of this Act.

(2) Any such vacancy in the office of an elected member of a panchayat shall be filled by election under the provisions of this Act.

(3) Any person elected as president, vice-president or member of a panchayat under sub-rule (1) or (2) shall hold office only up to the date referred to in rule 5.

Explanation.—For the purpose of this rule, the office of president, vice-president or member of a panchayat to which no person had, at any time prior to the said date, been elected shall be deemed to be vacant on the said date.

10. Any panchayat dissolved or superseded under the old Act and awaiting reconstitution on the said date shall be reconstituted in accordance with the provisions of this Act.

11. (1) The assets appertaining to elementary schools maintained by panchayats and district boards transferred to panchayat union councils in pursuance of the provisions of this Act shall be deemed to include all rights and powers, and all property, whether movable or immovable appertaining to the schools, including in particular, cash balances, reserve funds, investments, deposits and all other interests and rights in or arising out of such property as may be in the possession of panchayats or district boards, as the case may be, and all books of account or documents relating to the schools, and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind then existing or appertaining to the schools.

(2) Where a panchayat or district board has established a provident or superannuation fund or any other like fund for the benefit of the employees of such school the moneys standing to the credit of any such fund on the said date together with any other assets belonging to such fund shall stand transferred to and vest in the panchayat union council on such date.

(3) Every whole-time teacher and other employee of a panchayat or district board elementary school which has been transferred to and vested in the panchayat union council and who was employed by the panchayat or district board wholly or mainly in connexion with such school immediately before the said date shall, on and from that date, become an employee of the panchayat union council and shall hold his office therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same on the date aforesaid if this Act had not been passed, and shall continue to do so until he ceases to be in the employment of the panchayat union council.

(4) The Government may issue such general or special directions as they may think necessary for the purpose of regulating appointments under this rule and otherwise giving due effect to the provisions thereof and no appointment to any post under a panchayat union council made in contravention of any such directions shall be deemed to have been validly made.

(5) If any question arises as to whether any person was a whole-time teacher or other employee of a panchayat or a district board or as to whether any teacher or other employee was employed wholly or mainly in connection with a panchayat or district board school immediately before the said date, the decision of the Inspector on the question in the case of panchayat schools and of the Government in the case of district board schools, shall be final.

12. Every officer and servant of any district board (other than the teachers and other employees of elementary schools) shall be appointed to such posts as the Government or such officer as may be authorized by them in this behalf may consider suitable under any panchayat union council or any district development council. The conditions of service of persons so appointed shall be regulated by rules made by the Government from time to time.

13. Every choultry, every dispensary, every maternity or child-welfare centre and every reading room established or maintained by a panchayat before the said date shall with effect on and from the said date vest in the panchayat union council having jurisdiction in the area and be maintained by it.

14. If any registers and accounts relating to the registration of births and deaths were being maintained by any panchayat before the said date, they shall be transferred to the panchayat union council concerned on the said date or so soon thereafter as may be specified by general or special order by the Inspector.

15. All libraries, together with the books, furniture and other assets appertaining thereto maintained immediately before the said date by any panchayat or district board shall with effect on and from the said date stand transferred to and be maintained by such authority as the Government may by general or special order specify provided that the Government shall have power to modify any such order from time to time and effect shall be given to such modified order by such authority.

16. The land cess levied under section 78 of the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), in any area which has been declared to be a panchayat development block under this Act, for the fasli year in which a panchayat union council has been constituted under section 11, sub-section (1) in respect of that block shall be distributed among the panchayat union councils and the panchayats in that block in such manner as the Government may by general or special order direct.

17. The elementary education fund constituted for a district board under the [1][Tamil Nadu] Elementary Education Act, 1920 ([1][Tamil Nadu] Act VIII of 1920), shall with effect from the said date form part of the Panchayat Union (Education) Fund constituted for the panchayat union councils having jurisdiction over the area over which the district board exercised jurisdiction immediately before the said date in such proportions as the Government may by order specify.

18. Any tax levied by a district board under the [1][Tamil Nadu] Elementary Education Act, 1920, before the said date shall with effect on and from the said date be deemed to have been levied by the panchayat union council concerned under this Act.

19. Any sums permitted to be utilized by the district board under section 236 of the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), but remaining unutilized immediately before the said date shall pass to the panchayat union council or panchayat union councils having jurisdiction in the area concerned to such extent and subject to such conditions as may be specified by the Government by general or special order.

20. Such part of the general funds of the district board which exercised jurisdiction over any area which has been declared to be a panchayat development block under this Act, as may be specified in this behalf by the Government, shall with effect on and from the said date stand transferred to and form part of the general funds of the panchayat union council concerned.

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[1] These words were substituted for the words "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

21. Where before the said date a panchayat or district board has made any contract in the exercise of its powers under the old Act or under the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920, that contract shall be deemed to have been made in the exercise of its powers under this Act by the panchayat union council having jurisdiction over the area in which that council would have had jurisdiction had this Act been in force at the relevant time; and all rights and liabilities which have accrued or may accrue, under any such contract shall to the extent to which they would have been rights or liabilities of the panchayat, or district board, be rights or liabilities of the panchayat union council specified above.

For the purposes of this rule, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(*a*) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract, and

(*b*) any liability in respect of expenses incurred or in connection with such proceedings.

22. (1) All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with this Act, be continued by or against such panchayat or authority under this Act.

(2) All proceedings taken by or against any district board or other authority under the [1][Tamil Nadu] District Boards Act, 1920 ([1][Tamil Nadu] Act XIV of 1920), may, in so far as they are not inconsistent with this Act, be continued by or against the panchayat union council concerned or other competent authority under this Act.

23. Any remedy by way of application, suit or appeal available to or against a Class I panchayat, Class II panchayat or district board exercising jurisdiction immediately before the said date shall after the said date be available to or against the town panchayat, village panchayat or panchayat union council concerned.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.

24. Any action taken by a Class I panchayat, Class II panchayat or district board exercising jurisdiction immediately before the said date shall, subject to such directions as the Government may, by general or special order, give in this behalf, be deemed to have been taken by the town panchayat, village panchayat or panchayat union council concerned unless and until superseded by action taken by that town panchayat, village panchayat or panchayat union council.

25. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in the foregoing provisions of this schedule, it shall be dealt with in accordance with that provision. The benefit or burden of any assets or liabilities of a district board not dealt with in the foregoing provisions of this schedule shall be subject to such financial adjustments as the Government may by order direct.

26. If any difficulty arises, in giving effect to the provisions of these rules, the Government as occasion may require may by notification do anything which appears to them to be necessary for the purpose of removing the difficulty.

[1][TAMIL NADU] ACT No. 18 OF 1964[2].

THE [1][TAMIL NADU] PANCHAYATS (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 1964.

[*Received the assent of the Governor on the 26th August 1964, first published in the* Fort St. George Gazette *Extraordinary on the 2nd September* 1964 (*Bhadra* 11, 1886).]

An Act to amend the [1][Tamil Nadu] Panchayats Act, 1958, and to provide for the constitution of panchayat unions in the added territory and for certain other matters.

BE it enacted by the Legislature of the [3][State of Tamil Nadu] in the Fifteenth year of the Republic of India as follows :—

PART I.

PRELIMINARY.

Short title and commencement. 1. (1) This Act may be called the [1][Tamil Nadu] Panchayats (Amendment and Miscellaneous Provisions) Act, 1964.

(2) It shall come into force at once.

PART II.

AMENDMENTS OF THE [1][TAMIL NADU] PANCHAYATS ACT, 1958.

2-19. [The amendments made by these sections have been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).]

PART III.

CONSTITUTION OF PANCHAYAT UNIONS IN THE ADDED TERRITORY.

Definitions. 20. In this Part and in Part V, unless the context otherwise requires,—

(*a*) "added territory" means the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959);

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[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated the 18th July 1964, Part IV-Section 3, pages 276-277.

[3]This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(b) "Extension Act" means the [1][Tamil Nadu] District Development Councils and Panchayats (Extension to Added Territory) Act, 1961 ([1][Tamil Nadu] Act 28 of 1961);

(c) "Panchayats Act" means the [1][Tamil Nadu] Panchayats Act, 1958 ([1][Tamil Nadu] Act XXXV of 1958) as in force in the added territory ;

(d) "Schedule" means the Schedule to this Act ;

(e) "Village Panchayats Act" means the [1][Tamil Nadu] Village Panchayats Act, 1950 ([1][Tamil Nadu] Act X of 1950) as amended by the Andhra or Andhra Pradesh Legislature and in force in the added territory.

Constitution of panchayat unions in the added territory.

2. (1) Notwithstanding anything contained in the Panchayats Act or in the Extension Act, on and from the date of the commencement of this Act—

(a) each of the local areas specified in column (2) of the Schedule forming a development block specified in the corresponding entry in column (1) thereof for the purposes of the National Extension Service Scheme of Community Development shall be a panchayat development block and such panchayat development block shall be a panchayat union by the name specified in the corresponding entry in column (3) thereof;

(b) there shall be a panchayat union council for each of the panchayat unions specified in column (3) of the said Schedule.

Explanation I.—Every panchayat development block formed under clause (a) shall be deemed to be a panchayat development block declared under clause (a) of sub-section (3) of section 7 of the Panchayats Act.

Explanation II.—Every panchayat union constituted and named under clause (a) shall be deemed to be a panchayat union declared and named respectively under clauses (b) and (c) of sub-section (3) of section 7 of the Panchayats Act.

[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order,

Explanation III.—Every panchayat union council constituted under clause (*b*) shall be deemed to be a panchayat union council constituted under sub-section (1) of section 11 of the Panchayats Act.

(2) For the removal of doubts, it is hereby declared that the provisions of sub-sections (4), (5) and (6) of section 7 of the Panchayats Act shall apply in relation to every panchayat development block in the added territory which is deemed under sub-section (1) to be a panchayat union declared and named respectively under clauses (*b*) and (*c*) of sub-section (3) of section 7 of the Panchayats Act.

PART IV.

DETERMINATION OF TERM OF OFFICE AND ELECTION OF MEMBERS.

Definitions.

22. In this Part, unless the context otherwise requires,—

(*a*) "Extension of Term of Office Act" means the [1][Tamil Nadu] Local Authorities (Extension of Term of Office of Members) Act, 1962 ([1][Tamil Nadu] Act 12 of 1962);

(*b*) The expressions "casual vacancy", "casual election", "ordinary vacancy" and "ordinary election" shall have the same meanings as in the principal Act.

Determination of term of office and election of members.

23. Notwithstanding anything contained in the principal Act as amended by this Act or in the Extension of Term of Office Act,—

(*a*) the term of office of the members of any panchayat or panchayat union council as a whole which has been extended by section 3 of the Extension of Term of Office Act shall expire on such date as the State Government may, by notification, specify in this behalf:

Provided that the date specified in such notification may, for sufficient cause, be cancelled or modified by the State Government, by notification ;

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(*b*) the next ordinary elections to fill ordinary vacancies in the office of the members of a panchayat constituted under the principal Act as amended by this Act shall be held and the newly elected members may come into office on such date as may be fixed by the State Government, by notification, but such date shall be subsequent to the date of expiry of the term of office of the members specified under clause (a) :

Provided that the date so fixed may, from time to time, be advanced or postponed to another date, by the State Government, by notification ;

(*c*) elections may be held to any panchayat newly constituted under the principal Act as amended by this Act, and the provisions of clause (*b*) shall, so far as may be, apply to the first elections to be so held ;

(*d*) casual election may be held to fill any casual vacancy in the office of a member of a panchayat occurring after the holding of elections referred to in clause (*b*) or clause (*c*), as the case may be.

PART V.

MISCELLANEOUS.

Validation of local cess and local cess surcharge under the [1][Tamil Nadu] Panchayats Act, 1958.

24. Notwithstanding anything contained in any judgment, decree or order of any court, no levy or collection of local cess or local cess surcharge by a panchayat union council under the principal Act prior to the date of the commencement of this Act (hereinafter in this Part referred to as the said date) shall be deemed to be invalid or ever to have been invalid on the ground only that the revenue with reference to which the panchayat union council was empowered to levy the local cess or local cess surcharge did not comprise royalty, lease amount or other sum payable to the State Government in respect of land held direct from the State Government on lease or licence, and such cess or surcharge levied or collected

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order,

or purporting to have been levied or collected shall, for all purposes, be deemed to be and to have always been validly levied or collected and accordingly—

(*a*) all acts, proceedings or things done or taken by a panchayat union council or any authority, officer or person in connection with the levy or collection of any local cess or local cess surcharge shall, for all purposes, be deemed to be and to have always been done or taken in accordance with law;

(*b*) no suit or other proceeding shall be maintained or continued in any court for the refund of any local cess or local cess surcharge so paid;

(*c*) no court shall enforce any decree or order directing the refund of any local cess or local cess surcharge so paid;

(*d*) any local cess or local cess surcharge which becomes leviable under the principal Act as amended by this Act for any period before the said date may be levied and collected in the manner provided under the principal Act as amended by this Act.

Validation of certain acts done and proceedings taken in the added territory.

25. Notwithstanding anything contained in any judgment, decree or order of any court, no tax, cess or fee levied or collected, no permit or licence granted, no registration effected and no act done or proceeding taken in the added territory by any aggregate of individuals or by any other authority, officer or person in the purported exercise of the powers or the purported discharge of the duties or the purported performance of the functions of a panchayat or its president or executive authority on or after the 1st April 1960 and before the said date under the Village Panchayats Act, or of a panchayat union council or its chairman or commissioner on or after the 2nd October 1961 and before the said date under the Panchayats Act, shall be deemed to be invalid or ever to have been invalid on the ground that such aggregate of individuals was not a duly constituted panchayat or panchayat union council, as the case may be, or on the ground that the authority, officer or person aforesaid was not duly empowered to levy or collect any tax, cess or fee or to grant any permit or licence or to effect any

registration or to do any act or to take any proceeding and any tax, cess or fee levied or collected, any permit or licence granted or registration effected or any act done or proceeding taken as aforesaid shall for all purposes be deemed to be and to have always been validly levied or collected or granted or effected or done or taken and accordingly,—

(*a*) all acts done or proceedings taken by the aggregate of individuals or by any other authority, officer or person aforesaid shall for all purposes be deemed to be and to have always been done or taken in accordance with law ;

(*b*) no suit or other proceeding shall be maintained or continued in any court for the refund of any tax, cess or fee so paid or for the cancellation of any permit or licence so granted or registration so effected ;

(*c*) no court shall enforce any decree or order directing the refund of any tax, cess or fee so paid or directing the cancellation of any permit or licence so granted or registration so effected ;

(*d*) any tax, cess or fee leviable by a panchayat under the Village Panchayats Act on and after the 1st April 1960 and before the said date or by a panchayat union council under the Panchayats Act on and after the 2nd October 1961 and before the said date but not so levied may be levied and collected in the manner provided under the said Acts.

Vesting of property.

26. With effect on and from the said date, all assets and liabilities of any aggregate of individuals which purported to exercise the powers, discharge the duties and perform the functions of a panchayat or its president or executive authority on or after the 1st April 1960 or of a panchayat union council or its chairman or commissioner on or after the 2nd October 1961 in the added territory as well as all liabilities legally subsisting against the aggregate of individuals aforesaid shall stand transferred to and vested in the State Government, and upon the constitution of the panchayat union councils in the added territory, the State Government may pass such orders as they may deem fit as to the disposal of the assets vested in them and the discharge of the liabilities.

Repeals.

27. (1) Subject to the provisions of section 25, the [1][Tamil Nadu] Village Panchayats Act, 1950 ([1][Tamil Nadu] Act X of 1950) as amended by the Andhra or Andhra Pradesh Legislature and in force in the added territory is hereby repealed ; and it is hereby declared that the provisions of section 8 of the [1][Tamil Nadu] General Clauses Act, 1891 ([1][Tamil Nadu] Act I of 1891) shall not apply to such repeal.

(2) The [1][Tamil Nadu] Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 ([1][Tamil Nadu] Act 17 of 1960) in its application to the added territory is hereby repealed.

(3) Clauses (*a*), (*b*) and (*d*) of, and Explanations I, II and III to, sub-section (2) of section 4 and Schedule I to the [1][Tamil Nadu] District Development Councils and Panchayats (Extension to Added Territory) Act, 1961 ([1][Tamil Nadu] Act 28 of 1961) are hereby repealed.

Power to remove difficulties.

28. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

Orders and notifications to be placed before the Legislature.

29. Every order or notification issued under this Act shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or notification or both Houses agree that the order or notification should not be issued, the order or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order or notification.

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

THE SCHEDULE.

[*See* section 21 (1) (*a*) and (*b*).]

Name of the development block.	*Area forming the development block.*	*Name of the panchayat union.*
(1)	(2)	(3)
	Chingleput district.	
Ramakrishnarajupet ..	*Census Code numbers and names of revenue villages in Ramakrishnarajupet revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division*— 99. Narasampeta. 100. Rajanagaram Santhayatham. 135. Gownipuram Chinnasubbaraju Khandriga. 136. Siddayyagunta Khandriga. 137. Madirajupermalraju Khandriga. 138. Elavarthimummalraju Khandriga. 139. Chiralagurrappa Khandriga. 141. Ulchirangaraju Khandriga. 142. Chinthalangunta Khandriga. 161. Singasamudram. 175. Sandayatham Anjaneyapuram. 176. Anjaneyapuram. 179. Rajanagaram (included in village No. 100). 186. Narayanapuram. 192. Kadarranagaram. 193. Yagnapuram. 194. Janakarajakuppam. 196. Anandhavallipuram. 197. Tyagapuram. 198. Mohinipuram. 199. Appukondayya Khandriga. 200. Mutyalavaripalle.	Ramakrishnarajupet.

Name of the development block.	*Area forming the development block.*	*Name of the panchayat union.*
(1)	(2)	(3)
Ramakrishnarajupet —*cont.*	*Census Code numbers and names of revenue villages in Ramakrishnarajupet revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division* —cont.	Ramakrishnarajupet —*cont.*
	201. Lakshmipuram. 202. Raghavanaidukuppam. 205. Ammavarikuppam. 206. Narayanapuram. 207. Mosur. 208. Vanganur. 209. Krishnakuppam. 210. Chengalvarayudu Khandriga. 211. Sirigirirajubadraraju Khandriga. 212. Madurapuram. 213. Changareddi Narayanareddi Khandriga. 214. Santhanavenugopalapuram. 227. Khandapuram. 228. Ramakrishnarajupet. 229. Bhadraraju Khandriga. 230. Srikrishnapuram. 233. Akkachikuppam. 243. Ramajosyulu Khandriga. 244. Balapuram. 245. Srikalikapuram. 246. Chandravilasapuram. 247. Shro. Ramapura Agraharam. 248. Goyatsapuram. 266. Damaneri. 267. Swethavarahapuram. 268. Vellanur. 269. Ammaneri. 270. Kondapuram. 278. Audivarahapuram. 295. Viranathur. 296. Ayyaneri.	

Name of the development block. (1)	*Area forming the development block.* (2)	*Name of the panchayat union.* (3)
Ramakrishnarajupet —*cont.*	*Census Code numbers and names of revenue villages in Erumbi revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division*—	Ramakrishnarajupet —*cont.*
	226. Kaveripuram.	
	242. Mahankalipuram.	
	272. Venkataperumalrajupuram.	
	275. Tirunadharajapuram.	
	277. Veeramangalam.	
	281. Peddanagapudi.	
	282. Devakipuram.	
	289. Naidu Thopu.	
	291. Vediyangadu.	
	292. Devalambapuram Makarajapuram.	
	293. Chinnanagapudi.	
	294. Erumbi alias Aswarevanthapuram.	
	300. Singarajapuram.	
	301. Gopalapuram.	
	302. Chinnaramapuram.	
	303. Peddaramapuram.	
	304. Chanurmallavaram.	
	305. Koleri alias Sahasrapadanapuram.	
	311. Mylarwada.	
	312. Makamambapuram.	
	313. Tirumalambapuram.	
	314. Prabhayankarapuram.	
	315. Meesaragantapuram.	
	317. Nilotpalapuram.	
	318. Padmapuram.	
	319. Paivalasa	
	320. Katarikuppam.	

Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Pallipet	Census Code numbers and names of revenue villages in Pallipet revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division—	Pallipet.
	5. Veligram.	
	6. Meikalpatteda.	
	7. Pallipet.	
	8. Surarajupatteda.	
	9. Rangepalli.	
	10. Kolathur.	
	11. Kolathur Ramiahkhandriga.	
	12. Nedium.	
	13. Aravasipatteda.	
	14. Samanthavada.	
	15. Karimbedu.	
	16. Kesavarajupuram.	
	17. Ramachandrapuram.	
	18. Chinnatimmarajupatteda.	
	19. Venkatarajukuppam.	
	20. Sangeethakuppam.	
	21. Tirumalrajupet.	
	22. Tirunadharajupuram.	
	23. Kumararajupeta.	
	24. Melapudi.	
	25. Reddipalli Subbaraokhandriga.	
	26. Puranam Sanjeevirayunikhandriga.	
	27. Punyam.	
	29. Kadapanthangal.	
	30. Kaverirajupeta.	
	31. Bommarajupeta.	
	53. Sitaramapuram.	
	54. Vadakuppam.	
	55. Karlambakkam.	
	63. Kodivalasa.	
	64. Athimanjeri.	
	65. Venkatapuram.	
	79. Chinna Athimanjeri.	
	178. Pakala Narayana Reddikhandriga.	
	185. Makamambapuram	

Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Pallipet—*cont.*	*Census Code numbers and names of revenue villages in Prodaturpeta revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division—*	Pallipet—*cont.*
	32. Gollalakuppam.	
	33. Chandrappanaidu kandriga.	
	34. Chinnamudipalli.	
	35. Kesavarajukuppam.	
	49. Prodatturpet (non-city urban).	
	50. Ragimanukhandriga.	
	51. Pandravedu.	
	52. Gantevarkuppam.	
	56. Konasamudram.	
	57. Kakalur.	
	58. Vengalrajukuppam.	
	59. Ramapuram	
	66. Kothakuppam.	
	67. Petakandriga.	
	68. Jangalapalli.	
	69. Nedigallu.	
	81. Nochili.	
	82. Keechalam.	
	83. Ramasamudram.	
	84. Ulichiguruvaraju-kandriga.	
	85. Kongugarikuppam.	
	86. Gownipuram Badrarajukhandriga.	
	97. Korakuppam.	
	101. Kannikambapuram.	
	102. Balakrishnapuram.	
	103. Dwarakapuram.	
	104. Krishnamarajukuppam	

Name of the development block.	*Area forming the development block.*	*Name of the panchayat union.*
(1)	(2)	(3)
Tiruttani	*Census Code numbers and names of revenue villages in Tiruttani revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—* 74. Maduru. 87. Alimelumangapuram. 88. Singarajapuram. 89. Thayambapuram. 109. Thiruvengalanadharajapuram. 110. Ramachandrapuram. 120. Balakrishnapuram. 121. Murukambattu. 123. Subramanyapuram. 126. Medinipuram. 127. Srinivasapuram. 128. Srinivasayya Khandriga. 166. Chengalvapuram Agraharam. 167. Dharanivarahapuram. 168. Velanjeri. 169. Srinivasapuram. 187. Kasindhapuram. 188. Pattabiramapuram. 189. Velayudakuppam. 190. Vinayakapuram. 203. Ayyavarinaidu Khandriga. 216. Pratapa Uddandamakarajapuram. 217. Agoor. 218. Amruthapuram. 219. Thiruthani (Non-City Urban). 220. Thiruthani (Rural). 221. Meldevadhanam. 222. Keeladevadhanam. 235. Perumalmanyam Khandriga. 240. Devasenapuram. 256. Kannikapuram. 257. Valliyammapuram. 258. Padmapuram. 259. Karthikeyapuram. 260. Perumalthangal. 280. Peddakadambur. 283. Kasavarajupet. 284. Bikkasanivengamanaidu Khandriga. 285. Chinnakadambur. 125. Sathrunjayapuram.	Tiruttani.

Name of the development block.	*Area forming the development block.*	*Name of the panchayat union.*
(1)	(2)	(3)
Tiruttani—*cont.* ..	*Census Code numbers and names of revenue villages in Cherukanur revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—*	Tiruttani—*cont.*

105. Venugopalapuram.
106. Rayasam Venkatakrishnayya Khandriga.
107. Krishnasamudram.
140. Nallur Perumalraju Khandriga.
143. Nallur Venkataraju Khandriga.
144. Sirugumi.
145. Veeranaidupalem.
146. Rajakallarapuram.
147. Suryanagaram.
148. Shotriam Bommarajapuram.
149. Tekkulur.
162. Perumkanchi Narasimhuni Khandriga.
163. Veerakaverirajapuram.
164. Erramasetti Narasimhuni Khandriga.
165. Kumara Bommarajapuram.
180. Thaduru.
181. Talari Thangal.
182. Errappanaidu Khandriga.
183. Veerakanellore.
184. Netteri Khandriga.
215. Koramangalam.
231. Thummalcheruvu Khandriga.
232. Maharajapuram.
234. Beerakuppam.
236. Veerakaverirajapuram.
237. Kanchiguruvaraja Khandriga.
250. Velurukrishnamanaidu Khandriga.
251. Lakshminarasimhapuram.
252. Thondamanatinarayanareddi Khandriga.
253. Senagalathur Agraharam.
254. Cherrukunur.
255. Perumalthangal.
279. Mambakkam.
316. Makamambapuram.

Name of the development. block.	*Area forming the development block.*	*Name of the panchayat union.*
(1)	(2)	(3)
Thiruvalangadu ..	*Census Code numbers and names of revenue villages in Poonimangadu revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—*	Thiruvalangadu.
	45. Nallatur.	
	46. Chivvada.	
	47. Siddanthipuram.	
	48. Kondapuram.	
	60. Poonimangadu.	
	61. Venkatapura Agraharam.	
	70. Ponbadi Gollakuppam.	
	71. Kodanda Ramapuram.	
	72. Nemali.	
	75. Arumbakkam.	
	90. Pompadi.	
	91. Arumgolam.	
	92. Tirukkolam Khandriga.	
	111. Talavedu.	
	112. Narayanasamudram Agraharam.	
	113. Mamandur.	
	124. Ramachandrapuram.	
	134. Gopalakrishnapuram.	
	249. Srikrishnapuram.	
	Census Code numbers and names of revenue villages in Kanakammachatram revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—	
	115. Nekkiniagraharam.	
	116. N kkinipeta.	
	117. Venugopalakrishnapuram.	
	129. Nedambaram.	
	130. Reghunathapuram.	
	131. [illegible]	
	132. Par amthangal.	
	133. Panapakkam.	
	150. Arcotkuppam.	
	151. Gulur.	
	152. Kanjipadi.	
	153. Rangapuram.	
	170. Nabaloor.	
	171. Kunnathur.	
	172. Ellupur.	
	173. Muddukondapuram.	
	186. Narayanapuram.	
	204. Kondapuram.	

Name of the development block.	*Area forming the development block.*	*Name of the panchayat union.*
(1)	(2)	(3)
Thiruvalangadu—*cont.*	*Census Code numbers and names of revenue villages in Kanakammachatram revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division*—cont. 223. Ramapuram. 238. Kaverirajapuram. 239. Kurmavilasapuram. 261. Ramalingapuram. 262. Parasapuram. 263. Venugopalapuram. 286. Veeraraghavapuram. 298. Bhagavatha Pattabiramapuram. *Census Code numbers and names of revenue villages in Manur revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division*— 28. Patnam eshayya Khandriga. 287. Tiruvelangadu. 288. Narthavada. 290. Dhanushayapuram. 297. Palayanur. 299. Pulavanalluru. 306. Banapuram. 307/1 & 2. Vysapuram. 308. Rajapadmapuram. 309. Rajaratnapuram. 310. Jagir Mangalam. 324. Shrotriyam Pattabiramapuram. 325. Tholudavoor. 326. Marudavallipuram. 327. Manoor. 328. Kuppam Khandriga. 329. Harischandrapuram. 330. Lakshmivilasapuram. 331. Saunakapuram. 332. Orathur. 333. Paakasala. 334. Japti Shrotriyam Ramapuram. 335. Peddakalakattur. 336. Chinnamandali. 338. Kalambakkam.	Thiruvalangadu—*cont.*

[1][TAMIL NADU] ACT No. 38 OF 1965.[2]

THE [1][TAMIL NADU] PANCHAYATS (AMENDMENT) ACT, 1965.

[*Received the assent of the President on the* 31*st January* 1966, *first published in the* Fort St. George Gazette *on the 9th February* 1966 (*Magha* 20, 1887).]

An Act further to amend the [1][*Tamil Nadu*] *Panchayats Act*, 1958.

BE it enacted by the Legislature of the [3][State of Tamil Nadu] in the Sixteenth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the [1][Tamil Nadu] Panchayats (Amendment) Act, 1965.

(2) (a) Sections 2, 3, 4 and 6 shall come into force on such date as the State Government may, by notification, appoint.

(b) Section 5 shall be deemed to have come into force on the 2nd October 1960.

(c) Section 7 shall come into force at once.

2-6. [The amendments made by these sections have already been incorporated in the principal Act, viz., Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).]

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated the 18th August 1965, Part IV—Section 3, page 221.

[3] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Special provision in respect of limitation for recovery of certain dues.

7. Notwithstanding the expiration of the period of three years mentioned in section 165 of the principal Act as in force immediately before the publication of this Act in the **Fort St. George Gazette*, distraint may be made, a suit may be instituted or prosecution may be commenced in respect of any tax or other sum due to a panchayat or panchayat union council under the principal Act or any rule, by-law, regulation or order made under it, before the expiration of the period of six years mentioned in the said section 165 as amended by section 5 of this Act.

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* Now the *Tamil Nadu Government Gazette.*

TAMIL NADU ACT No. 11 OF 1970.*

THE TAMIL NADU PANCHAYATS (AMENDMENT) ACT, 1970.

[*Received the assent of the Governor on the 29th April* 1970, *first published in the* Tamil Nadu Government Gazette *Extraordinary, on the 30th April* 1970 (*Vaisakha* 10, 1892).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1970.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2-18. [The amendments made by these sections have been incorporated in the principal Act, viz., the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).]

Saving.

19. Notwithstanding anything contained in this Act or in the principal Act as amended by this Act, the president of a panchayat holding office as such on the date of the commencement of this Act, shall continue to hold office as such president for the residue of the term of office as if this Act had not been passed:

Provided that any ordinary or casual vacancy arising after the date of the commencement of this Act in the office of the president shall be filled in accordance with the provisions of the principal Act as amended by this Act.

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* For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated the 31st March 1970, Part IV—Section 3, page 41.

TAMIL NADU ACT No. 12 OF 1971.*

THE TAMIL NADU PANCHAYATS (SECOND AMENDMENT AND VALIDATION) ACT, 1970.

[*Received the assent of the President on the* 14*th July* 1971, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the* 17*th July* 1971 (*Ashada* 26, 1893).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-first Year of the Republic of India as follows:—

Short title and commencement

1 (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment and Validation) Act, 1970.

(2) (*a*) Section 2 shall be deemd to have come into force on the 1st January 1960.

(*b*) Section 3 shall come into force on such date as the State Government may, by notification, appoint.

(*c*) Section 5 shall be deemed to have come into force on the 1st April 1970.

2-5. [*The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act*, 1958 (*Tamil Nadu Act XXXV of* 1958).]

Validation of local cess surcharge under the Tamil Nadu Act XXXV of 1958.

6. Notwithstanding anything contained in any judgment, decree or order of any court, no levy or collection of local cess surcharge by a panchayat union council under the principal Act prior to the date of the commencement of section 3 of this Act (hereinafter in this section referred to as the said date) shall be deemed to be invalid or ever to have been invalid on the ground only that no maximum

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* For Statement of Objects and Reasons, *see* the *Tamil Nadu Government Gazette* Extraordinary, dated the 24th July 1971, Part IV—Section 3, page 581.

has been prescribed for such local cess surcharge and such local cess surcharge levied or collected or purporting to have been levied or collected shall, for all purposes, be deemed to be and to have always been validly levied or collected and accordingly—

(a) all acts, proceedings or things done or taken by a panchayat union council or any authority, officer or person in connection with the levy or collection of any local cess surcharge shall, for all purposes, be deemed to be and to have always been done or taken in accordance with law;

(b) no suit or other proceedings shall be maintained or continued in any court for the refund of any local cess surcharge so paid;

(c) no court shall enforce any decree or order directing the refund of any local cess surcharge so paid;

(d) any local cess surcharge which becomes leviable under the principal Act as amended by this Act for any period before the said date may be levied and collected in the manner provided under the principal Act as amended by this Act.

PRESIDENT'S ACT NO. 22 OF 1976.*

THE MADRAS CITY MUNICIPAL CORPORATION, TAMIL NADU DISTRICT MUNICIPALITIES AND TAMIL NADU PANCHAYATS (AMENDMENT) ACT, 1976.

[*Received the assent of the President on the* 31*st May* 1976, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the* 1*st June*, 1976 (*Vaikasi* 19, *Nala* (2007—*Tiruvalluvar Andu*)).]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Madras City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920 and the Tamil Nadu Panchayats Act, 1958.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows :—

Short title and commencement.

1. (1) This Act may be called the Madras City Municipal Corporation, Tamil Nadu District Municipalities and Tamil Nadu Panchayats (Amendment) Act, 1976.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of Tamil Nadu Act IV of 1919.

2. In the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in section 135, in clause (*b*), for items (i), (ii) and (iii) and the entries relating thereto, the following shall be substituted, namely :—

" (i) Sale of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority

*For Reasons for the enactment, *see Tamil Nadu Government Gazette* Extraordinary, dated the 1st June 1976, Part IV—Section 2, Pages 207—208.

	under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(ii) Exchange of immovable property.	The market value of the property of the greater value as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(iii) Gift of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.".

Amendment of Tamil Nadu Act V of 1920.

3. In the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), in section 116-A, in clause (*b*), for items (i), (ii) and (iii) and the entries relating thereto, the following shall be substituted, namely :—

"(i) Sale of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market

	value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(ii) Exchange of immovable property.	The market value of the property of the greater value as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(iii) Gift of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.".

4. [*The amendements made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act,* 1958 (*Tamil Nadu Act XXXV of* 1958).]

TAMIL NADU ACT NO. 9 OF 1977*.

THE TAMIL NADU PANCHAYATS (AMENDMENT AND VALIDATION) ACT, 1977.

[*Received the assent of the Governor on the 25th September 1977, first published in the* Tamil Nadu Government Gazette *on the 27th September* 1977 (*Purattasi* 11, *Pinkala* (2008—*Tiruvalluvar Andu*)).]

An Act further to amend the Tamil Nadu Panchayats Act 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-eighth year of Republic of India as follows :—

Short title and commencement. **1.** (1) This Act may be called the Tamil Nadu Panchayats (Amendment and Validation) Act, 1977.

(2) It shall be deemed to have come into force on the 1st August 1977.

2. [*The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act,* 1958 (*Tamil Nadu Act XXXV of* 1958).]

Notification to have retrospective effect in certain cases. **3.** Where any panchayat union council has beed dissolved under clause (*a*) of sub-section (1) of section 155 of the principal Act and a direction has been issued regarding the reconstitution of such panchayat union council under clause (*b*) of sub-section (1) of the said section 155 before the date of publication of this Act in the *Tamil Nadu Government Gazette*, the Government may issue a notification postponing the reconstitution of the council for a further period not exceeding six months under the proviso to clause (*b*) of sub-section (1) of the said section 155 of the principal Act as amended by this Act and such notification shall be deemed to have come into force on the date specified in the notification, such date being not earlier than the 1st August 1977.

Validation. **4.** Notwithstanding anything contained in the principal Act as amended by this Act or in any judgment, decree or order of any court or other authority, all acts done or proceedings taken in respect of any panchayat union council, during the period commencing on the 1st August 1977, and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette*, by a person appointed under sub-section(4) of section 155 of the principal Act shall for all purposes be deemed to be and to have always been validly done or taken in accordance with law as if section 3 had been in force at all material times when such acts or proceedings were done or taken.

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette Extraordinary*, dated the 26th August 1977, Part IV—Section 1, Pages 59—60.

TAMIL NADU ACT NO. 27 OF 1980.*

THE TAMIL NADU PANCHAYATS (AMENDMENT) ACT, 1980.

[*Received the assent of the Governor on the 30th August 1980, first published in the* Tamil Nadu Government Gazette *Extraordinary on the 2nd September* 1980 (*Aavani* 17, *Rowthiri*–2011-*Thiruvallvar Aandu*).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows :—

Short title and commencement.

1.(1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1980.

(2) It shall come into force at once.

Amendment of section 155, Tamil Nadu Act XXXV of 1958.

2. In the proviso to clause (b) of sub-section (1) of section 155 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the expression "three years and two months", the expression "three years and eight months" shall be substituted.

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette Extraordinary*, dated the 1st August 1980, Part IV—Section 1, pages 229–230.

TAMIL NADU ACT NO. 32 OF 1980.*

THE TAMIL NADU LOCAL AUTHORITIES' LAWS (AMENDMENT) ACT, 1980.

[*Received the assent of the Governor on the* 8*th September* 1980, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the* 11*th September* 1980 (*Aavani* 26, *Rowthiri*-2011-*Thiruvalluvar Aandu*).]

An Act further to amend the Tamil Nadu Local Authorities' Laws.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:—

PART I.

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1980. Short title and commencement.

(2) It shall come into force at once.

PART II.

AMENDMENTS OF THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter in this Part referred to as the 1919 Act), for section 47, the following section shall be substituted, namely :— Substitution of new section 47, Tamil Nadu Act IV of 1919.

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette* Extraordinary, dated the 5th August 1980, Part IV—Section 1, pages 247-248.

"47. *Electoral rolls for divisional seats and qualification for inclusion therein.*—(1) For each of the territorial divisions referred to in section 45, there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the State Government may, from time to time, issue in this behalf.

(2) A person shall be disqualified for registration in an electoral roll if he—

(*a*) is not a citizen of India ; or

(*b*) is of unsound mind and stands so declared by a competent court ; or

(*c*) is for the time being disqualified from voting under the provisions of section 71 or any law relating to corrupt practices and other offences in connection with elections.

(3) No person shall be entitled to be registered in the electoral roll for more than one territorial division or in the electoral roll for any territorial division in more than one place.

(4) No person registered in the electoral roll for a territorial division shall be entitled to be registered in the electoral roll for any other territorial division or ward, as the case may be, of any City (other than the City of Madras), municipality or panchayat.

Explanation.—For the purpose of this sub-section, the expressions 'City', 'municipality' and 'panchayat' shall have the meanings respectively assigned to them in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force, the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) and the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

(5) Subject to the provisions of sub-sections (1) to (4), every person who—

(a) is not less than eighteen years of age on the qualifying date ; and

(b) is ordinarily resident in the City,

shall be entitled to be registered in the electoral roll for any one of the territorial divisions referred to in section 45.

Explanation.—For the purpose of this section, "qualifying date" in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(6) (a) A person shall not be deemed to be ordinarily resident in the City on the ground only that he owns, or is in possession of, a dwelling house therein.

(b) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in the City at any relevant time, the question shall be determined by the State Government in accordance with such rules as may be prescribed.".

3. In section 48 of the 1919 Act, in sub-section (1) for the *Explanation*, the following shall be substituted, namely :— Amendment of section 48, Tamil Nadu Act IV of 1919.

"*Explanation.*—The power conferred by this sub-section on the person so authorised, shall include the power to omit, in the manner and at the times aforesaid from the electoral roll for any such division published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (2) of section 47 :

Provided that the name of any person omitted from the electoral roll for the territorial division by reason of a disqualification under clause (*c*) of sub-section (2) of section 47 shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force removed under any law authorising such removal.".

Insertion of new sections 48-A and 48-B, in Tamil Nadu Act IV of 1919.

4. After section 48 of the 1919 Act, the following sections shall be inserted, namely :—

" 48-A. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction,—

(*a*) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for the territorial divisions referred to in section 45 ; or

(*b*) to question the legality of any action taken by any authority under section 47 or section 48.

48-B. *Making false declaration.*—If any person makes in connection with—

(*a*) the preparation, revision or correction of an electoral roll for the territorial division, or

(*b*) the inclusion or exclusion of any entry in or from an electoral roll for the territorial division,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both. ".

Substitution of new section for section 50, Tamil Nadu Act IV of 1919.

5. For section 50 of the 1919 Act, the following section shall be substituted, namely:—

" 50. *Disqualification of voters.*—No person who is of unsound mind and declared so by the competent

court shall be qualified to vote and no person who is disqualified under section 71 shall be qualified to vote so long as the disqualification subsists. ".

6. For sub-section (1) of section 51 of the 1919 Act, the following sub-section shall be substituted, namely :— **Amendment of section 51, Tamil Nadu Act IV of 1919.**

"(1) No person shall be qualified for election or co-option as a councillor unless—

(*a*) his name is included in the electoral roll of any one of the territorial divisions of the City;

(*b*) he has completed his twenty-first year of age ; and

(*c*) in the case of co-option under section 5, such person is a member of the Scheduled Caste or the Scheduled Tribe or a woman, as the case may be. ".

PART III.

AMENDMENTS OF THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

7. In the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) (hereinafter in this Part referred to as the 1920 Act), in section 44,— **Amendment of section 44, Tamil Nadu Act V of 1920.**

(i) for sub-section (1), including the proviso and *Explanations* (1) and (2) thereto, the following sub-sections shall be substituted, namely :—

" (1) For every municipality there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the State Government may, from time to time, issue in this behalf.

(1-A) A person shall be disqualified for registration in an electoral roll if he—

(*a*) is not a citizen of India ; or

(*b*) is of unsound mind and stands so declared by a competent court ; or

(*c*) is for the time being disqualified from voting under the provisions of section 60 or any law relating to corrupt practices and other offences in connection with elections.

(1-B) No person shall be entitled to be registered in the electoral roll for any municipality more than once.

(1-C) No person registered in the electoral roll for a municipality shall be entitled to be registered in the electoral roll for another municipality, panchayat or City.

Explanation.—For the purpose of this sub-section, the expressions 'panchayat' and 'City' shall have the meanings respectively assigned to them in the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force.

(1-D) Subject to the provisions of sub-sections (1), (1-A), (1-B) and (1-C), every person who—

(*a*) is not less than eighteen years of age on the qualifying date ; and

(*b*) is ordinarily resident in a municipality,

shall be entitled to be registered in the electoral roll for that municipality.

Explanation.—For the purpose of this section " qualifying date " in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(1-E) (*a*) A person shall not be deemed to be ordinarily resident in a municipality on the ground only that he owns, or is in possession of, a dwelling house therein.

(*b*) A person, absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(*c*) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(*d*) If in any case a question arises as to whether a person is ordinarily resident in a municipality at any relevant time, the question shall be determined by the State Government in accordance with such rules as may be prescribed." ;

(ii) in sub-section (2), for the *Explanation*, the following shall be substituted, namely :—

"*Explanation.*—The power conferred by this sub-section on the person so authorised shall include the power to omit, in the manner and at the times aforesaid, from the electoral roll for the municipality published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (1-A):

Provided that the name of any person omitted from the electoral roll for the muncipality by reason of a disqualification under clause (*c*) of sub-section (1-A) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal." ;

(iii) the *Explanation*, occurring at the end, shall be omitted.

Insertion of new sections 44-A and 44-B, in Tamil Nadu Act V of 1920.

8. After section 44 of the 1920 Act, the following sections shall be inserted, namely :—

"44-A. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction—

(*a*) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a municipality ; or

(*b*) the inclusion or exclusion of any entry in or from an authority under section 44.

44-B. *Making false declaration.*—If any person makes in connection with—

(*a*) the preparation, revision or correction, of an electoral roll, or

(*b*) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.".

Substitution of new section for section 47, Tamil Nadu Act V of 1920.

9. For section 47 of the 1920 Act, the following section shall be substituted, namely :—

"47. *Disqualification of voters.*—Notwithstanding anything contained in sub-section (6) of section 44, no person who is of unsound mind and declared so by the competent court shall be qualified to vote and no person who is disqualified under section 60 shall be qualified to vote so long as the disqualification subsists.".

Amendment of section 48, Tamil Nadu Act V of 1920.

10. For sub-section (1) of section 48 of the 1920 Act, the following sub-section shall be substituted, namely :—

"(1) No person shall be qualified for election as a chairman or as a councillor, unless—

(*a*) his name is included in the electoral roll of the municipality ; and

(*b*) he has completed his twenty-first year of age.".

PART IV.

AMENDMENTS OF THE TAMIL NADU PANCHAYATS ACT, 1958.

Amendment of section 12, Tamil Nadu Act XXXV of 1958.

11. In sub-section (1) of section 12 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter in this Part referred to as the 1958 Act), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that no person shall be co-opted under this sub-section unless he has completed his twenty-first year of age.".

Amendment of section 15, Tamil Nadu Act XXXV of 1958.

12. In sub-section (4) of section 15 of the 1958 Act, for the words "whose name appears in the electoral roll for the panchayat", the words "whose name appears in the electoral roll for the panchayat and who has completed her twenty-first year of age" shall be substituted.

Amendment of section 20, Tamil Nadu Act XXXV of 1958.

13. In section 20 of the 1958 Act,—

(i) for sub-section (1) including the proviso and the *Explanation* thereto, the following sub-section shall be substituted, namely :—

"(1) For every panchayat there shall be an electrol roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the Government may, from time to time, issue in this behalf.

(1-A) A person shall be disqualified for registration in an electoral roll if he—

(*a*) is not a citizen of India; or

(*b*) is of unsound mind and stands so declared by a competent court ; or

(*c*) is for the time being disqualified from voting under the provisions of section 24 or any law relating to corrupt practices and other offences in connection with elections.

(1-B) No person shall be entitled to be registered in the electoral roll for any panchayat more than once.

(1-C) No person registered in the electoral roll for a panchayat shall be entitled to be registered in the electoral roll for another panchayat, municipality or City.

Explanation.—For the purpose of this sub-section, the expressions 'municipality' and 'City' shall have the meanings respectively assigned to them in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), or in any other law for the time being in force.

(1-D) Subject to the provisions of sub-sections (1), (1-A), (1-B) and (1-C), every person who—

(*a*) is not less than eighteen years of age on the qualifying date; and

(*b*) is ordinarily resident in a panchayat village or panchayat town or township,

shall be entitled to be registered in the electoral roll for that panchayat.

Explanation.—For the purpose of this section, "qualifying date" in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(1-E) (*a*) A person shall not be deemed to be ordinarily resident in a panchayat village or panchayat town or township, on the ground only that he owns, or is in possession of a dwelling house therein.

(*b*) A person absenting himself temporarily from his place or ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(*c*) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(*d*) If in any case a question arises as to whether a person is ordinarily resident in a panchayat village or panchayat town or township at any relevent time, the question shall be determined by the Government in accordance with such rules as may be prescribed.";

(ii) in sub-section (2), for the *Explanation*, the following shall be substituted, namely:—

"*Explanation.*—The power conferred by this sub-section on the person so authorised, shall include the power

to omit, in the manner and at the times aforesaid, from the electoral roll for the panchayat published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (1-A) :

Provided that the name of any person omitted from the electoral roll for the panchayat by reason of a disqualification under clause (*c*) of sub-section (1-A) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.";

(iii) the *Explanation* occurring at the end shall be omitted.

Insertion of new sections 20-A and 20-B, in Tamil Nadu Act XXXV of 1958.

14. After section 20 of the 1958 Act, the following sections shall be inserted, namely :—

"20-A. *Jurisdiction of civil courts barred.*—No civil court shall have jurisdiction—

(*a*) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a panchayat ; or

(*b*) to question the legality of any action taken by any authority under section 20.

20-B. *Making false declaration.*—If any person makes in connection with—

(*a*) the preparation, revision or correction of an electoral roll, or

(*b*) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.".

Substitution of new section for section 22, in Tamil Nadu Act XXXV of 1958.

15. For section 22 of the 1958 Act, the following section shall be substituted, namely :—

"22. *Qualification of candidates.*—No person shall be qualified for election as—

(*a*) a member or president of a panchayat unless—

(i) his name appears on the electoral roll for the panchayat ; and

(ii) he has completed his twenty-first year of age ; or

(*b*) chairman of a panchayat union council unless—

(i) his name appears on the electoral roll for any one of the panchayats or townships comprised in the panchayat union; and

(ii) he has completed his twenty-first year of age.".

Insertion of new section 24-A in Tamil Nadu Act XXXV of 1958.

16. After section 24 of the 1958 Act, the following section shall be inserted, namely :—

"24-A. *Disqualification of voters.*—No person who is of unsound mind and declared so by the competent court shall be qualified to vote and no person who is disqualified under section 24 shall be qualified to vote so long as the disqualification subsists.".

Amendment of section 36-A, Tamil Nadu Act XXXV of 1958.

17. In section 36-A of the 1958 Act, in sub-section (1), in clause (*b*), in the third proviso, item (i) shall be renumbered as item (i-A), and before the item (i-A) as so renumbered, the following item shall be inserted, namely:-

"(i) unable to read and write in Tamil ; or".

PART V.

AMENDMENTS OF THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

18-21. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).]

TAMIL NADU ACT NO. 14 OF 1981.*

THE TAMIL NADU PANCHAYATS (AMENDMENT) ACT, 1981.

[*Received the assent of the Governor on the 19th March* 1981, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the 21st March* 1981 (*Panguni* 8, *Rowthiri*-2012- *Thiruvalluvar Aandu*).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1981.

(2) It shall come into force at once.

Amendment of section 155, Tamil Nadu Act XXXV of 1958.

2. In the proviso to clause (*b*) of sub-section (1) of section 155 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), for the expression "three years and eight months", the expression "four years and two months" shall be substituted.

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*For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 2nd March 1981, Part IV Section 1, pages 129-130.

TAMIL NADU ACT NO. 55 OF 1981.*

THE TAMIL NADU PANCHAYATS (SECOND AMENDMENT) ACT, 1981.

[*Received the assent of the Governor on the 13th September* 1981, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the* 15*th September* 1981 (*Avani* 30, *Thunmathi*-2012-*Thiruvalluvar Aandu*).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 1981.

(2) It shall be deemed to have come into force on the 1st June 1981.

Insertion of new section 62-A in Tamil Nadu Act XXXV of 1958.

2. After section 62 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), the following section shall be inserted, namely :—

" 62-A. *Teachers (including headmasters) and basic servants in the Panchayat union schools to be Government servants.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, on and from the 1st June 1981 all teachers (including headmasters) and basic servants in the panchayat union schools in the State of Tamil Nadu shall become whole-time Government servants.

(2) Notwithstanding anything contained in sub-section (1) of section 53 or in any other provision of this Act and subject to the provisions of Article 311 of the Constitution, the Government may make rules regulating the conditions of service of the teachers (including headmasters) and basic servants in the panchayat union schools.".

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 26th August 1981, Part IV—Section 1, page 732.

3. (1) The Tamil Nadu Panchayats (Second Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 4 of 1981) is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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TAMIL NADU ACT NO. 56 OF 1981.*

THE TAMIL NADU PANCHAYATS (THIRD AMENDMENT) ACT, 1981.

[*Received the assent of the Governor on the 13th September* 1981, *first published in the* Tamil Nadu Government Gazette *Extraordinary on the 15th September* 1981 (*Aavani* 30, *Thunmathi*-2012—*Thiruvalluvar Aandu*).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 1981.

(2) It shall come into force at once.

Amendment of section 10, Tamil Nadu Act XXXV of 1958.

2. For sub-section (1) of section 10 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely :—

"(1) Notwithstanding anything contained in section 20 or any other provision of this Act, the total number of members of a panchayat (exclusive of its president) shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to population as ascertained at the last preceding census of which the relevant figures have been published.".

Amendment of section 12, Tamil Nadu Act XXXV of 1958.

3. In section 12 of the principal Act, in sub-section (1), after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that if among the members of a panchayat union council, there is any woman belonging to Scheduled Castes or Scheduled Tribes, as the case may be, then for the purposes of reckoning the number of members of the Scheduled Castes or Scheduled Tribes to be co-opted under the first proviso such woman shall not be deemed to represent the Scheduled Castes or Scheduled Tribes and shall be excluded and accordingly the requisite number of members of the Scheduled Castes or Scheduled Tribes specified in the first proviso shall be co-opted.".

Amendment of section 14, Tamil Nadu Act XXXV of 1958.

4. In the proviso to section 14 of the principal Act, the words "or co-opted" shall be omitted.

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*For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extradinary, dated the 28th August 1981, Part IV—Section 1, pages 754—756.

5. In section 15 of the principal Act,— Amendment of section 15, Tamil Nadu Act XXXV of 1958.

(i) in the marginal heading, the words "co-option of" shall be omitted;

(ii) in sub-section (1), after the words "with due regard to their population in the village or town" occurring at the end, the words "as ascertained at the last preceding census of which the relevant figures have been published" shall be added;

(iii) in sub-section (2), for the words "thirty years", the words "forty years" shall be substituted;

(iv) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely :—

"(3) In every panchayat, the Inspector may, subject to such rules as may be prescribed, by notification, reserve one seat for woman.

(4) Nothing contained in sub-sections (1) and (3) shall be deemed to prevent members of the Scheduled Castes, Scheduled Tribes, or women, for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat.".

6. In section 17 of the principal Act, sub-section (5) shall be omitted. Amendment of section 17, Tamil Nadu Act XXXV of 1958.

7. In section 20 of the principal Act, in sub-section (2), after the proviso, the following proviso shall be inserted, namely :— Amendment of section 20, Tamil Nadu Act XXXV of 1958.

"Provided further that in case where the ordinary elections to the office of chairmen of panchayat union councils and of the presidents and members of panchayats are held simultaneously, no alteration to the electoral roll shall be published after the first day fixed for filing of nomination for election of chairman of a panchayat union council and before the notification of the results of all elections.".

8. For section 24 of the principal Act, the following section shall be substituted, namely :— Substitution of new section for section 24, Tamil Nadu Act XXXV of 1958.

"24. *Disqualification of persons convicted of election offences.*—Every person convicted of an offence punishable uuder sections 37-A to 37-N of this Act or under Chapter IX-A of the Indian Penal Code (Central Act XLV of 1860)

shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of president or member of a panchayat or of the office of chairman or member of a panchayat union council for a period of five years from the date of his conviction.".

Insertions of new section 30-A and 30-B in Tamil Nadu Act XXXV of 1958.

9. After section 30 of the principal Act, the following sections shall be inserted, namely :—

"30-*A*. *Reservation of seats for Scheduled Castes and Scheduled Tribes in the office of presidents*.—(1) The Government may, from time to time, by notification, reserve for the members of the Scheduled Castes and Scheduled Tribes such number of office of presidents of panchayats not exceeding eighteen per cent of the total number of such office in the State and the villages or towns in respect of which the office of such presidents are to be reserved as aforesaid shall be those which the Government may, from time to time, by notification specify, having due regard to the proportion of the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in the village or town concerned to the total population of that village or town and such other factors as may be prescribed :

Provided that no person who is not a member of any of the Scheduled Castes or Scheduled Tribes shall be qualified for election as president of any panchayat if the office of such president is reserved for a member of any of the Scheduled Castes or Scheduled Tribes, as the case may be.

(2) Nothing contained in sub-section (1) shall be deemed to prevent members of the Scheduled Castes and Scheduled Tribes from standing for election to the office of president of any panchayat where no such reservation has been made.

30-B. *Reservation of seats for women in the office of presidents*.—(1) The Government may, from time to time, by notification, reserve for women such number of office of presidents of panchayats not exceeding fifteen per cent of the total number of such office in the State and villages or towns in respect of which the office of such presidents are to be reserved as aforesaid shall be those which the Government may, from time to time, by notification specify, having due regard to the local conditions and such other factors as may be prescribed :

Provided that no person who is not a woman shall be qualified for election as president of any panchayat if the office of such president is reserved for women.

(2) Nothing contained in sub-section (1) shall be deemed to prevent any women from standing for election to the office of president of any panchayat where no such reservation has been made.".

10. After section 36-A of the principal Act, the following sections shall be inserted, namely :— Insertion of new sections 36-AA and 36-AAA in Tamil Nadu Act XXXV of 1958.

"36-*AA. Reservation of seats for Scheduled Castes and Scheduled Tribes in the office of chairmen.*—(1) The Government may, from time to time, by notification, reserve for the members of the Scheduled Castes and Scheduled Tribes such number of office of chairmen of panchayat union councils not exceeding eighteen per cent of the total number of such office in the State and the panchayat union councils in respect of which the office of such chairmen are to be reserved as aforesaid shall be those which the Government may, from time to time, by notification specify, having due regard to the proportion of the population of the Scheduled Castes or Scheduled Tribes, as the case may be, in all the panchayats comprised in the panchayat union concerned to the total population of all the panchayats comprised in that panchayat union and such other factors as may be prescribed :

Provided that no person who is not a member of any of the Scheduled Castes or Scheduled Tribes shall be qualified for election as chairman of any panchayat union council if the office of such chairman is reserved for a member of any of the Scheduled Castes or Scheduled Tribes, as the case may be.

(2) Nothing contained in sub-section (1) shall be deemed to prevent members of the Scheduled Castes and Scheduled Tribes from standing for election to the office of chairman of any panchayat union council where no such reservation has been made.

36-*AAA. Reservation of seats for women in the office of chairmen.*—(1) The Government may, from time to time, by notification, reserve for women such number of office of chairmen of panchayat union councils not exceeding fifteen per cent of the total number of such office in the State and the panchayat union councils in respect of which the office of such chairmen are to be reserved as aforesaid shall be those which the Government may, from time to time, by notification specify, having due regard to the local conditions and such other factors as may be prescribed :

Provided that no person who is not a woman shall be qualified for election as chairman of any panchayat union council if the office of such chairman is reserved for women.

(2) Nothing contained in sub-section (1) shall be deemed to prevent any woman from standing for election to the office of chairman of any panchayat union council where no such reservation has been made.".

Insertion of new sections 37-A, 37-B, 37-C, 37-D, 37-E, 37-F, 37-G, 37-H 37-I, 37-J, 37-K, 37-L, 37-M, 37-N, 37-O, 37-P, 37-Q, 37-R, 37-S, 37-T, 37-U, 37-V, and 37-W in Tamil Nadu Act XXXV of 1958.

11. After section 37 of the principal Act, the following sub-headings and sections shall be inserted, namely :—

"*OFFENCES RELATING TO ELECTION.*

37-*A*. *Infringement of secrecy of election.*—Every officer, clerk, agent or other person performing any duty in connection with the recording or counting of votes at an election who, except for some purpose authorised by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means, procures any such information, shall be punished with imprisonment which may extend to six months or with fine, or with both.

37-*B*. *Minimum penalty for personation at an election.*—Notwithstanding anything contained in section 171-F of the Indian Penal Code (Central Act XLV of 1860), any person who in connection with an election under this Act commits an offence of personation punishable under that section, shall be punished with imprisonment for a term which shall not be less than six months and not more than two years and with fine.

37-*C*. *Promoting enmity between classes in connection with election.*—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

37-*D*. *Prohibition of public meetings on the day preceding the election day and on the election day.*—(1) No person shall convene, hold or attend any public meeting in any local area comprised in a panchayat within forty-eight hours before the date of termination of the poll or on the date or dates on which a poll is taken for an election in that panchayat.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

37-E. *Disturbances at election meetings.*—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held in any local area comprised in a panchayat between the earliest date for making nomination of candidates for an election and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspect him of giving a false name or address the police officer may arrest him without warrant.

37-F. *Restrictions on the printing of pamphlets, posters, etc.*—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(*b*) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer together with one copy of the document to the Executive Authority or Commissioner, as the case may be.

(3) For the purposes of this section—

(*a*) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(*b*) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

37-G. *Officers, etc., at elections not to act for candidates or to influencing voting.*—(1) No person who is a Returning Officer, or an Assistant Returning Officer or a presiding or polling officer at an election or an officer or clerk appointed by the Returning Officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of the police force, shall endeavour—

(*a*) to persuade any person to give his vote at an election, or

(*b*) to dissuade any person from giving his vote at an election, or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

37-*H. Prohibition of canvassing in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely :—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any elector; or

(*c*) persuading any elector not to vote for any particular candidate; or

(*d*) persuading any elector not to vote at the election; or

(*e*) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

37-*I. Penalty for disorderly conduct in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisons of sub-section (1) shall be punishable wth imprisonment for a term which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention.

Explanation.—In this section, the expression "polling officer" means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

37-*J*. *Penalty for misconduct at the polling station.*—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorised in this behalf by such polling officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Explanation.—In this section, the expression "polling officer" has the same meaning as in section 37-I.

37-*K*. *Penalty for illegal hiring or procuring of conveyances at elections.*—(1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise any vehicle or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station:

Provided that nothing in this sub-section shall apply to—

(*a*) the hiring of a vehicle or vessel by an elector or several electors at their joint cost for the purpose of conveying him or them to or from the polling station, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; and

(*b*) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from the polling station.

Explanation.—In this sub-section the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

37-L. *Breaches of official duty in connection with election.*—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election;and the expression "official duty" shall for the purpose of this section be construed accordingly,but shall not include duties imposed otherwise than by or under this Act.

37-M. *Removal of ballot papers from polling station to be an offence.*—(1)Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling

station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

37-N. *Other offences and penalties therefor.*—(1) No person at an election shall—

(*a*) fraudulently deface or fraudulently destroy any nomination paper; or

(*b*) fraudulently deface, destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or

(*c*) fraudulently deface or fraudulently destroy any ballot paper or the official mark on any ballot paper; or

(*d*) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or

(*e*) fraudulently put into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(*f*) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot paper then in use for the purposes of the election; or

(*g*) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall—

(*a*) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both ;

(*b*) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (*b*) of sub-section (2) shall be cognizable.

37-*O*. *Prosecution regarding certain election offences.*—No court shall take cognizance of any offence punishable under section 37-G or under section 37-L or under clause (a) of sub-section (2) of section 37-N except on complaint in writing made by order of, or under authority from the Government.

REQUISITIONING OF PROPERTY FOR ELECTION PURPOSES.

37-*P*. *Requisitioning of premises, vehicles, etc., for election purposes.*—(1) If it appears to the Government, that in connection with an election under this Act—

(*a*) any premises other than residential buildings actually occupied are needed or likely to be needed for

the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(*b*) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duty in connection with such election

the Government may, by order in writing, requisition such premises or such, vehicle, vessel or animal,as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning :

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(*a*) 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof ;

(*b*) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

37-*Q*. *Payment of amount.*—(1) Whenever in pursuance of section 37-P, the Government requisition any premises,

the persons interested shall be paid by the Government an amount which shall be determined by the Government by takng into consideration the following, namely :—

(i) the rent payable in respect of the premises or if no rent is so payable the rent payable for similar premises in the locality :

Provided that the rent payable in respect of the premises to which the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960) apply shall be the fair rent payable for the premises under that Act ;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change :

Provided that where any person interested, being aggrieved by the amount so determined makes an application to the Government within one month from the date of service of the order determining the amount for referring the matter to an arbitrator, the amount to be paid shall be such as the arbitrator appointed by the Government may determine :

Provided further that where there is any dispute as to the title to receive the amount or as to the apportionment of the amount it shall be referred by the Government to an arbitrator appointed in this behalf by the Government for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 37-P immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 37-P the Government requisition any vehicle, vessel or animal, there shall be paid by the Government to the owner thereof an amount which shall be determined by the Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount so determined makes an application to the Government within one month from the date of service of the order determining the amount for referring the matter to an arbitrator, the amount to be paid shall be such as the arbitrator appointed in this behalf by the Government may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the total amount determined under this sub-section payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Government in this behalf may decide.

37-*R. Power to obtain information.*—The Government may, with a view to requisitioning any property under section 37-P or determining the amount payable under section 37-Q by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

37-*S. Powers of entry into and inspection of premises, etc.*—(1) Any person authorised in this behalf by the Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether and if so in what manner, an order under section 37-P should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions 'premises' and 'vehicle' shall have the same meaning as in section 37-P.

37-*T. Eviction from requisitioned premises.*—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 37-P may be summarily evicted from the premises by any officer empowered by the Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

37-U. *Release of premises from requisition.*—(1) When any premises requisitioned under section 37-P are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 37-P is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the *District Gazette* concerned.

(3) When a notice referred to in sub-section (2) is published in the *District Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the Government shall not be liable for any claim in respect of such premises for any period after the the said date.

37-V. *Delegation of function of the Government with regard to requisitioning.*—The Government may, by notification, direct that any power conferred or any duty imposed on the Government by any of the provisions of sections 37-P to 37-U shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

37-W. *Penalty for contravention of any order of requisitioning.*—If any person contravenes any order made under section 37-P or section 37-R, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.".

Amendment of section 155, Tamil Nadu Act XXXV of 1958.

12. In the proviso to clause (*b*) of sub-section (1) of section 155 of the principal Act, for the expression "four years and two months", the expression "four years and five months" shall be substituted.

Amendment of section 178, Tamil Nadu Act XXXV of 1958.

13. In section 178 of the principal Act, in sub-section (2), for clause (ii), the following clause shall be substituted, namely :—

"(ii) providing for—

(*a*) the adjudication of disputes arising out of election or co-option by the district munsif's court and of appeals in such cases to the subordinate judge having jurisdiction or if no subordinate judge has such jurisdiction to the district judge having jurisdiction ;

(*b*) all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls.".

Amendment of section 199, Tamil Nadu Act XXXV of 1958.

14. In section 199 of the principal Act,—

(i) in sub-section (1), after the expression "under this Act", the expression "except the notifications issued under section 3, 8, 10, 15, 16, 30-A or 30-B" shall be inserted ;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) All notifications issued under section 3, 8, 10, 15, 16, 30-A or 30-B shall be published in the *District Gazette* concerned and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.".

TAMIL NADU ACT NO. 8 OF 1982. *

THE TAMIL NADU PANCHAYATS (AMENDMENT) ACT, 1982.

[*Received the assent of the Governor on the 4th March 1982, first published in the* Tamil Nadu Government Gazette *Extraordinary on the 6th March* 1982 (*Masi 22, Thunmathi, Thiruvalluvar Aandu*-2013).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

WHEREAS provisions have been made in the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) for reserving not exceeding eighteen per cent of the total number of office of presidents of panchayats and chairmen of panchayat union councils in the State for the members of the Scheduled Castes and Scheduled Tribes and not exceeding fifteen per cent of the said office in the State for women ;

AND WHEREAS the State Government have, after careful consideration, taken a policy decision that for the purpose of reservation of the office of presidents of panchayats, each panchayat union shall be a unit and for the purpose of reservation of the office of chairmen of panchayat union councils, each district shall be a unit and such reservation should be distributed in different parts within the said unit ;

AND WHEREAS for the above purposes it is expedient that the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) should be amended ;

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1982. Short title and commencement.

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* For Statement of Objects and Reasons *see*, *Tamil Nadu Government Gazette* Extraordinary dated the 8th February 1982 Part IV-Section 1, pages 21-22.

(2) (*a*) Sections 3, 4, 5, 6, 7 and 9 shall be deemed to have come into force on the 24th November 1981 ;

(*b*) Sections 2 and 8 shall be deemed to have come into force on the 10th December 1981.

Amendment of section 23, Tamil Nadu Act XXXV of 1958.

2. In section 23 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act),—

(i) in the marginal heading, for the expression "local bodies", the expression "local bodies, etc.," shall be substituted ;

(ii) in sub-section (1), for the expression "Corporation of Madras", the expression "Municipal Corporation of Madras, or of Madurai or of Coimbatore or of any other Municipal Corporation constituted under any law for the time being in force or of any body corporate owned or controlled by the State or Central Government" shall be substituted.

Amendment of section 30-A, Tamil Nadu Act XXXV of 1958.

3. In section 30-A of the principal Act, in sub-section (1),—

(i) for the portion beginning with the expression "total number of such office in the State" and ending with the expression "as may be prescribed", the following shall be substituted, namely :—

"total number of such office in each panchayat union and for the purpose of such reservation, each panchayat union shall be a separate unit. The panchayats in respect of which the office of such presidents are to be reserved as aforesaid shall be those which the Government may, by notification, specify having regard to the following provisions, namely :—

(*a*) the reservation of the office of presidents of panchayats under this sub-section shall be distributed in different parts of the panchayat union ; and

(*b*) such reservation shall, as far as practicable, be in respect of the office of presidents of panchayats of panchayat villages or panchayat towns where the proportion of population of the Scheduled Castes and Scheduled Tribes to the total is comparatively large";

(ii) in the proviso, for the words " for a member of any of the Scheduled Castes or Scheduled Tribes, as the case may be", the following shall be substituted, namely :—

" for the members of the Scheduled Castes and Scheduled Tribes under this sub-section.

Explanation.—For the purposes of this sub-section, sub-section (1) of section 30-B, sub-section (1) of section 36-AA and sub-section (1) of section 36-AAA, the expression " population " means the population as ascertained at the last preceding census of which the relevant figures have been published.".

4. In section 30-B of the principal Act, in sub-section (1), for the portion beginning with the expresson "total number of such office in the State " and ending witn the expression " as may be prescribed", the following shall be substituted, namely:— Amendment of section 30-B, Tamil Nadu Act XXXV of 1958.

" total number of such office in each panchayat union and for the purpose of such reservation, each panchayat union shall be a separate unit. The panchayats in respect of which the office of such presidents are to be reserved as aforesaid shall be those which the Government may, by notification, specify having regard to the following provisions, namely:—

(*a*) the reservation of the office of presidents of panchayats under this sub-section shall be distributed in different parts of the panchayat union ; and

(*b*) such reservation shall, as far as practicable, be in respect of the office of presidents of panchayats of panchayat villages or panchayat towns where the proportion of population of women to the total is comparatively large".

5. In section 36-AA of the principal Act, in sub-section (1),— Amendment of section 36-AA, Tamil Nadu Act XXXV of 1958.

(i) for the portion beginning with the expression "total number of such office in the State" and ending with the expression " as may be prescribed ", the following shall be substituted, namely :—

" total number of such office in each district and for the purpose of such reservation, each district shall be a separate unit. The panchayat union councils in respect

of which the office of such chairmen are to be reserved as aforesaid shall be those which the Government may, by notification, specify having regard to the following provisions, namely :—

(*a*) the reservation of the office of chairmen of panchayat union councils under this sub-section shall be distributed among the development divisions comprised in each district ; and

(*b*) such reservation shall as far as practicable, be in respect of the office of chairmen of panchayat union councils of panchayat unions where the proportion of population of the Scheduled Castes and Scheduled Tribes to the total is comparatively large " ;

(ii) in the proviso, for the words " for a member of any of the Scheduled Castes or Scheduled Tribes, as the case may be ", the following shall be substituted, namely :—

" for the members of the Scheduled Castes and Scheduled Tribes under this sub-section.

Explanation.—For the purposes of this sub-section and sub-section (1) of section 36-AAA, the expression 'development division' means any local area consisting of two or more panchayat unions as may be declared by the Government, from time to time. ".

Amendment of section 36-AAA, Tamil Nadu Act XXXV of 1958.

6. In section 36-AAA of the principal Act, in sub-section (1), for the portion beginning with the expression " total number of such office in the State", and ending with the expression " as may be prescribed", the following shall be substituted, namely :—

" total number of such office in each district and for the purpose of such reservation, each district shall be a separate unit. The panchayat union councils in respect of which the office of such chairmen are to be reserved as aforesaid shall be those which the Government may, by notification, specify having regard to the following provisions, namely :—

(*a*) the reservation of the office of chairmen of panchayat union councils under this sub-section shall be distributed among the development divisions comprised in each district; and

(*b*) such reservation shall, as far as practicable, be in respect of the office of chairmen of panchayat union councils of panchayat unions where the proportion of population of women to the total is comparatively large".

7. After section 36-AAA of the principal Act, the following sections shall be inserted, namely :— Insertion of new sections 36-AB, 36-AC, 36-AD and 36-AE in Tamil Nadu Act XXXV of 1958.

"36-AB. *Publication of preliminary notification regarding reservation.*—(1) Before issuing any notification reserving the office of presidents of panchayats and chairmen of panchayat union councils for the members of the Scheduled Castes and Scheduled Tribes and for women under sections 30-A, 30-B, 36-AA and 36-AAA, the Government shall publish the draft of the notification proposed to be issued in the *Tamil Nadu Government Gazette* and also in such other manner as they think fit.

(2) Within fifteen days from the date of publication of the draft notification in the *Tamil Nadu Government Gazette*, any objection to anything contained in the draft notification so published, shall be submitted—

(*a*) in the case of office of president of panchayat, to the Block Development Officer concerned who shall forthwith forward the said objection to the Government ; and

(*b*) in the case of office of chairman of panchayat union council, to the District Collector concerned who shall forthwith forward the said objection to the Government.

(3) After expiry of fifteen days from the date of publication of the draft notification and after considering the objections forwarded to the Government by the authorities referred to in sub-section (2), the Government shall confirm or modify the draft notification. The notification as so confirmed or modified shall be finally published under section 30-A, section 30-B, section 36-AA or section 36-AAA, as the case may be:

Provided that where in pursuance of any objection, any modification is made under this sub-section, no draft of such modification shall be published under sub-section (1).

36-*AC. Duration of reservation.*—(1) The reservation made for the members of the Scheduled Castes and Scheduled Tribes under sections 30-A and 36-AA and for women under sections 30-B and 36-AAA shall be in force for a period of five years from the date of ordinary election to the office of presidents of panchayats and chairmen of panchayat union councils.

(2) After the expiry of the said period of five years, the Government shall, while making fresh reservation under the sections aforesaid, ensure that the reservation is distributed by rotation.

36-*AD. Disregarding fraction in determining the number of office of presidents of panchayats, etc.*—While determining the number of office of presidents of panchayats or chairmen of panchayat union councils for the purpose of reservation for the Scheduled Castes and Scheduled Tribes under section 30-A or section 36-AA or for women under section 30-B or section 36-AAA, as the case may be, any fraction thereof shall be disregarded.

36-*AE. Bar of jurisdiction.*—No notification issued under section 30-A, section 30-B, section 36-AA, section 36-AAA or section 36-AB shall be called in question in any court in any suit or application and no injunction shall be granted by any court in respect of any such notification.".

Amendment of section 155, Tamil Nadu Act XXXV of 1958.

8. In section 155 of the principal Act, in sub-section(1), in clause (*b*), in the proviso, for the expression "four years and five months", the expression "four years and eleven months" shall be substituted.

Amendment of section 199, Tamil Nadu Act XXXV of 1958.

9. In section 199 of the principal Act,—

(1) in sub-sections (1) and (1-A), for the expression "16, 30-A or 30-B", the expression "or 16" shall be substituted;

(2) in sub-section (1), for the words and letters "*Fort St. George Gazette*", the words "*Tamil Nadu Government Gazette*" shall be substituted.

Repeal and saving.

10. (1) The Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 13 of 1981) and the Tamil Nadu Panchayats (Fifth Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 16 of 1981), are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act, as amended by this Act.

TAMIL NADU ACT NO. 41 OF 1982.*

THE TAMIL NADU PANCHAYATS (SECOND AMENDMENT) ACT, 1982.

[*Received the assent of the Governor on the 11th September 1982, first published in the* Tamil Nadu Government Gazette *Extraordinary on the 11th September* 1982 (*Aavani* 26, *Thunthubi, Thiruvalluvar Aandu*-2013).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 1982.

(2) It shall be deemed to have come into force on the 11th June 1982.

Amendment of section 155, Tamil Nadu Act XXXV of 1958.

2. In section 155 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), in sub-section (1), in clause (*b*), in the proviso, for the expression "four years and eleven months", the expression "five years and eight months" shall be substituted.

Repeal.

3. (1) The Tamil Nadu Panchayats (Second Amendment) Ordinance, 1982 (Tamil Nadu Ordinance 6 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 3rd September 1982, Part IV—Section 1, pages 386-387.

THE TAMIL NADU ACT NO. 11 OF 1983.*

THE TAMIL NADU PANCHAYATS (AMENDMENT) ACT, 1983.

[*Received the assent of the Governor on the* 14*th March* 1983 *first published in the* Tamil Nadu Government Gazette *Extraordinary on the* 17*th March* 1983 (*Panguni* 3, *Thunthubi, Thiruvalluvar Aandu*-2014).]

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1983.

(2) It shall come into force at once.

Amendment of section 155, Tamil Nadu Act XXXV of 1958.

2. In section 155 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), in sub-section (1), in clause (*b*), in the proviso, for the expression "five years and eight months", the expression "six years and two months" shall be substituted.

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* For Statement of Objects and Reasons, *see Tamil Nadu Government Gazette* Extraordinary, dated the 4th March 1983, Part IV-Section 1, pages 99-100.

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 30th March 1985 and is hereby published for general information :—

ACT No. 11 OF 1985.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1985

(2) It shall be deemed to have come into force on the 30th May 1984.

2. *Amendment of section* 155, *Tamil Nadu Act XXXV of* 1958.—In section 155 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), in sub-section (1), in clause (*b*), in the proviso, for the expression "six years and eleven months", the expression "seven years and eleven months" shall be substituted.

3. *Repeal and saving.*—(1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 1984 (Tamil Nadu Ordinance 25 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 7th May 1985 and is hereby published for general information :—

ACT No. 24 OF 1985.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 1985.

(2) It shall come into force at once.

2. *Amendment of section* 2, *Tamil Nadu Act XXXV of* 1958.—In the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), in section 2, in clause (17), for the expression "a co-opted member", the expression "a co-opted member and a nominated member" shall be substituted.

3. *Amendment of section* 12, *Tamil Nadu Act XXXV of* 1958.—In section 12 of the principal Act,—

(1) in sub-section (1), the provisions shall be omitted;

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) (*a*) In a panchayat union consisting of not exceeding twelve panchayats,—

(i) if, among the members of the panchayat union council, there are no women or members of the Scheduled Castes or Scheduled Tribes, the panchayat union council may co-opt one woman and one member of the Scheduled Castes or Scheduled Tribes; and

(ii) the Collector may nominate to the panchayat union council one woman and one member of the Scheduled Castes or Scheduled Tribes.

(*b*) In a panchayat union consisting of more than twelve panchayats, but not more than twenty panchayats,—

(i) if, among the members of the panchayat union council, there are no women or members of the Scheduled Castes or Scheduled Tribes or the number whether of women or of the members of the Scheduled Castes or Scheduled Tribes is less than three, the panchayat union council may co-opt such number of women or members of the Scheduled Castes or Scheduled Tribes, as may be necessary, to ensure that the council includes three women and three members of the Scheduled Castes or Scheduled Tribes; and

(ii) the Collector may nominate to the panchayat union council one woman and one member of the Scheduled Castes or Scheduled Tribes.

(*c*) In a panchayat union consisting of more than twenty panchayats,—

(i) if, among the members of the panchayat union council, there are no women or members of the Scheduled Castes or Scheduled Tribes or the number whether of women or of the members of the Scheduled Castes or Scheduled Tribes is less than five, the panchayat union council may co-opt such number of women or members of the Scheduled Castes or Scheduled Tribes, as may be necessary, to ensure that the council includes five women and five members of the Scheduled Castes or Scheduled Tribes; and

(ii) the Collector may nominate to the panchayat union council two women and two members of the Scheduled Castes or Scheduled Tribes:

Provided that the wife or the husband, as the case may be, of a member of the panchayat union council shall not be co-opted or nominated as a member under this sub-section:

Provided further that no person shall be co-opted or nominated under this sub-section unless he has completed twenty-first year of age:

Provided also that no person shall be nominated under this sub-section unless he has aptitude for rural development and possesses such other qualifications as may be prescribed:

Provided also that if, among the members of a panchayat union council, there is any woman, belonging to Scheduled Castes or Scheduled Tribes, as the case may be, then for the purposes of reckoning the number of members of the Scheduled Castes or Scheduled Tribes to be co-opted under clause (*a*), clause (*b*) or clause (*c*) of this sub-section, such woman shall not be deemed to represent the Scheduled Castes or Scheduled Tribes and shall be excluded and accordingly the requisite number of members of the Scheduled Castes or Scheduled Tribes specified in clause (*a*), clause (*b*) or clause (*c*) of this sub-section, shall be co-opted.".

4. *Amendment of section* 17, *Tamil Nadu Act XXXV of* 1958.—In sub-section (1) of section 17 of the principal Act, for the expression "five years", the expression "four years" shall be substituted.

5. *Amendment of section* 19, *Tamil Nadu Act XXXV of* 1958.—In section 19 of the principal Act, for the expression "co-opted member", the expression "co-opted or nominated member" and for the expression "five years", the expression "four years" shall be substituted.

6. *Amendment of section* 30, *Tamil Nadu Act XXXV of* 1958.—In section 30 of the principal Act, in sub-section (3), for the expression "five years", the expression "four years" shall be substituted.

7. *Repeal of sections* 30-*A*, 30-*B*, 36-*AA*, 36-*AAA*, 36-*AB*, 36-*AC*, 36-*AD and* 36-*AE*, *Tamil Nadu Act XXXV of* 1958.—Sections 30-A, 30-B, 36-AA, 36-AAA, 36-AB, 36-AC, 36-AD and 36-AE of the principal Act are hereby repealed.

8. *Amendment of section* 36-*A*, *Tamil Nadu Act XXXV of* 1958.—In section 36-A of the principal Act, in sub-section (3), for the expression "five years", the expression "four years" shall be substituted.

9. *Amendment of section* 38, *Tamil Nadu Act XXXV of* 1958.—In section 38 of the principal Act, after sub-section (3), the following sub-section shall be added, namely:—

"(4) The members co-opted and nominated under sub-section (1-A) of section 12 shall have all the rights and privileges of the members of the panchayat union council.".

10. *Pending proceedings to abate.*—(1) Section 8 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891) shall not apply to the repeal of sections 30-A, 30-B, 36-AA, 36-AAA 36-AB, 36-AC, 36-AD and 36-AE of the principal Act by this Act.

(2) Every proceeding made or taken under any of the sections of the principal Act referred to in sub-section (1) and pending before the date of the publication of this Act in the *Tamil Nadu Government Gazette*, shall abate.

(3) No legal proceeding or remedy in respect of any right, privilege, obligation or liability acquired, accrued or incurred under any of the sections of the principal Act referred to in sub-section (1), shall be instituted, continued or enforced under any of the said sections.

11. *Notifications specified in the Schedule to cease to have effect.*—The former Rural Development and Local Administration Department Notifications specified in the Schedule shall with effect on and from the date of the publication of this Act in the *Tamil Nadu Government Gazette*, cease to have effect.

THE SCHEDULE

(See section 11.)

I. (1) No. II (2)/RUL/7727 (*a*)|83, dated the 20th December 1983, published at pages 1-2,

(2) No. II (2)|RUL|7727 (*b*)|83, dated the 20th December 1983, published at pages 2-4,

(3) No. II (2)|RUL|7727 (c)/83, dated the 20th December 1983, published at pages 4-20,

(4) No. II (2)|RUL|7727 (*d*)|83, dated the 20th December 1983, published at pages 21-35

of Part II—Section 2 of the *Tamil Nadu Government Gazette*, Extraordinary, dated the 21st December 1983.

II. (1) No. II (2)/RUL/1399 (*a*)/84, dated the 29th February 1984, published at pages 1-2,

(2) No. II (2)|RUL|1399 (*b*)/84, dated the 29th February 1984, published at page 2,

(3) No. II (2)|RUL|1399 (*c*)|84, dated the 29th February 1984, published at pages 3-4,

(4) No. II (2)|RUL|1399 (*d*)|84, dated the 29th February 1984, published at pages 4-6,

(5) No. II (2)|RUL|1399 (*e*)|84, dated the 29th February 1984, published at pages 6-22,

(6) No. II (2)|RUL|1399 (*f*)|84, dated the 29th February 1984, published at pages 23-37

of Part II—Section 2 of the *Tamil Nadu Government Gazette* Extraordinary, dated the 29th February 1984.

III. (1) No. II (2)|RUL|1767(*f*)|84, dated the 19th March 1984, published at pages 1-3,

(2) No. II (2)|RUL|1767 (*g*)|84, dated the 19th March 1984, published at pages 3-4

of Part II—Section 2 of the *Tamil Nadu Government Gazette* Extraordinary, dated the 19th March 1984.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 10th June 1985 and is hereby published for general information :—

ACT No. 28 OF 1985.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 1985.

(2) It shall come into force at once.

2. *Amendment of section 155, Tamil Nadu Act XXXV of 1958.*—In section 155 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), in sub-section (1), in clause *(b)*, in the proviso, for the expression, "for a further period not exceeding seven years and eleven months", the expression "for a further period upto and inclusive of the 15th September 1985" shall be substituted.

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, MADRAS, ON BEHALF OF THE GOVERNMENT OF TAMIL NADU.

(A Group) IV-2 (Ex. 217)—2

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 13th January 1986 and is hereby published for general information :—

ACT No. 3 OF 1986.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1986.

(2) It shall come into force at once.

2. *Amendment of section 17, Tamil Nadu Act XXXV of 1958.*—In the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), in section 17, in sub-section (1), for the expression "four years", the expression "three years" shall be substituted.

3. *Amendment of section 19, Tamil Nadu Act XXXV of 1958.*—In section 19 of the principal Act, for the expression "four years", the expression "three years" shall be substituted.

4. *Amendment of section 30, Tamil Nadu Act XXXV of 1958.*—In section 30 of the principal Act, in sub-section (3), for the expression "four years", the expression "three years" shall be substituted.

5. *Amendment of section 36-A, Tamil Nadu Act XXXV of 1958.*—In section 36-A of the principal Act, in sub-section (3), for the expression "four years", the expression "three years" shall be substituted.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING MADRAS, ON BEHALF OF THE GOVERNMENT OF TAMIL NADU

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 8th February 1986 and is hereby published for general information:—

ACT No. 11 OF 1986.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 13th September 1985.

2. *Amendment of section 155, Tamil Nadu Act XXXV of 1958.*—In section 155 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), in sub-section (1), in clause (*b*), in the proviso, for the expression "the 15th September 1985", the expression "the 31st March 1986" shall be substituted.

3. *Repeal and saving.*—(1) The Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 1985 (Tamil Nadu Ordinance 5 of 1985) and the Tamil Nadu Panchayats (Fifth Amendment) Ordinance, 1985 (Tamil Nadu Ordinance 18 of 1985) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

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GOVERNMENT OF TAMIL NADU
1986

[Registered No. M-
[Price : 15 Ps.

TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 238] MADRAS, TUESDAY, MAY 13, 1986
CHITHIRAI 30, ATCHAYA, THIRUVALLUVAR AANDU— 2017

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 9th May 1986 and is hereby published for general information :—

ACT No. 28 OF 1986.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 1st October 1982.

2. *Amendment of section* 62, *Tamil Nadu Act XXXV of* 1958.— In section 62 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), the words "and panchayat union councils" shall be omitted.

3. *Insertion of new section 62-B in Tamil Nadu Act XXXV of* 1958.—After section 62-A of the principal Act, the following section shall be inserted, namely:—

"62-B. *Health assistants, auxiliary nurse, mid-wives and maternity assistants in public health establishments of panchayat union councils to be Government servants.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, on and from the first October 1982, all health assistants, auxiliary nurse,mid-wives and maternity assistants in the public health establishments of panchayat union councils in the State shall become whole-time Government servants.

(2) Notwithstanding anything contained in sub-section (1) of section 53 or in any other provision of this Act and subject to the provisions of Article 311 of the Constitution, the Government may make rules regulating the conditions of service of the health assistants, the auxiliary nurse, mid-wives and maternity assistants in the public health establishments of panchayat union councils.".

4. *Amendment of section* 65, *Tamil Nadu Act XXXV of* 1958.—In section 65 of the principal Act, clauses (*c*) and (*f*) shall be omitted.

5. *Amendment of section* 70, *Tamil Nadu Act XXXV of* 1958.—

In section 70 of the principal Act, the expression "child welfare centres" occurring in two places shall be omitted.

6. *Omission of section* 93, *Tamil Nadu Act XXXV of* 1958.—Section 93 of the principal Act shall be omitted.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government, Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING MADRAS, ON BEHALF OF THE GOVERNMENT OF TAMIL NADU

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 20th May 1986 and is hereby published for general information :

ACT No. 31 OF 1986

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Fourth Amendment) Act, 1986.

(2) It shall come into force at once.

2. *Amendment of section 12, Tamil Nadu Act XXXV of 1958.* —In section 12 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act),—

(i) to sub-section (1-A), the following proviso shall be added, namely :—

"Provided also that for the purposes of reckoning the number of women and of the members of the Scheduled Castes or Scheduled Tribes to be co-opted by the panchayat union council under clause (*a*) (i) or clause (*b*) (i) or clause (*c*) (i), the number of women and of the members of the Scheduled Castes or Scheduled Tribes nominated by the Collector under clause (*a*) (ii), clause (*b*) (ii) or clause (*c*) (ii) shall be excluded.";

(ii) after sub-section (1-A), the following sub-sections shall be inserted, namely :—

"(1-B) If any panchayat union council does not co-opt the requisite number of women or members of the Scheduled Castes or Scheduled Tribes within a period of three months from the date of its reconstitution, the Collector may nominate such number of women or member of the Scheduled Castes or Scheduled Tribes, which falls short of the requisite number to be co-opted under clause (*a*) (i), (*b*) (i) or (*c*) (i), as the case may be, of sub-section (1-A).

(1-C) Where a casual vacancy occurs in the office of a member co-opted under sub-secion (1-A) and the panchayat union council does not co-opt a person within a period of one month from the date of occurrence of the vacancy, the Collector may nominate a person to fill up such vacancy:

Provided that where the vacancy has arisen in the office of—

(i) a woman member, only a woman shall be co-opted by the panchayat union council or nominated by the Collector; and

(ii) a member of the Scheduled Castes or Scheduled Tribes, only a member of the Scheduled Castes or Scheduled Tribes, as the case may be, shall be co-opted by the panchayat union council or nominated by the Collector. ".

3. *Amendment of section 36-A, Tamil Nadu Act XXXV of* 1958.—In section 36-A of the principal Act, in sub-section (8), for clause (*a*), the following clause shall be substituted, namely :—

" (*a*) save as otherwise provided in section 47-A, convene the meetings of the panchayat union council, and ".

4. *Insertion of new section 47-A in Tamil Nadu Act XXXV of* 1958.—After section 47 of the principal Act, the following section shall be inserted, namely :—

" 47-A. *Special meeting for co-option of members and for election of vice-chairman.*—Notwithstanding anything contained in this Act, the meeting of the panchayat union council for the co-option of women and members of the Scheduled Castes or Scheduled Tribes under sub-section (1-A) of section 12 or for the election of vice-chairman under section 36-B shall be convened and presided over by the divisional development officer. ".

5. *Amendment of section 178, Tamil Nadu Act XXXV of* 1958.—In section 178 of the principal Act, in sub-section (2), clause (iii) shall be omitted.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th May 1987 and is hereby published for general information:—

ACT No. 13 OF 1987.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1987.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Insertion of new section* 149-*B in Tamil Nadu Act XXXV of* 1958.—After section 149-A of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"149-B. *Special provision for recall of president or member of town panchayat by voters in a referendum to be held.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, if a representation in writing signed by not less than one-fourth of the voters in any panchayat in the case of a president and one-fourth of the voters in the ward of a panchayat in the case of any member of a town panchayat, alleging that the president or member is corrupt or has otherwise abused his position as president or member and that he should be recalled, is presented to the election authority, such election authority shall verify the genuineness of the signatures in the said representation within such time as may be prescribed. The said representation shall contain the grounds on the basis of which the allegation as aforesaid is made and shall be in such form as may be prescribed:

Provided that the verification of the genuineness of the signatures shall not be less than one per cent of the total signatures in the representation.

Provided further that no such representation shall be entertained if it is made either within six months from the commencement of, or within six months before the expiry of, the term of office of such president or member.

Explanation I.—For the purpose of this section, the expression "voters" shall mean those persons who were under sub-section (5) of section 20 entitled to vote on the date of the election in which the president or the member aforesaid was declared elected.

Explanation II.—For the purpose of this section 'the election authority' shall mean an officer of the Rural Development Department, not below the rank of Divisional Development Officer, specially empowered by the Government in this behalf.

(2) On receipt of the representation and after verification of signatures under sub-section (1), the election authority shall make an enquiry in such manner as may be prescribed. If on such enquiry the election authority is satisfied that the allegation is substantially true, the election authority shall hold a referendum for a decision whether such president or member should be recalled or not, from his office :

Provided that in such enquiry the president or the member, as the case may be, shall be given a reasonable opportunity of being heard.

(3) If in such referendum the majority of the voters who have actually exercised their votes, favours the recall of the president or, as the case may be, the member, the election authority shall declare that the president or, as the case may be, the member stands recalled and thereupon the office of the president or, as the case may be, the member shall become vacant. If the majority of the voters who have actually exercised their votes does not favour the recall of the president or, as the case may be, the member, then, the president or the member shall continue in office and the election authority shall make a declaration accordingly.

(4) The referendum held in respect of such president or, member, shall be final and no further referendum in respect of such president or member shall be held during the remainder of the term of his office.

(5) The declaration made under sub-section (3) shall be final and no such declaration shall be liable to be questioned in any court of law and no court shall grant any permanent or temporary injunction or make any order restraining any proceeding which is being or about to be taken under this section

(6) The president or the member who stands recalled under this section shall not be eligible for election to the office of such president or member for a period of six years from the date of declaration under sub-section (3).

(7) The Government may make rules for the purpose of giving effect to the provisions of this section including the manner of holding the referendum.".

3. *Insertion of new section 151-B in Tamil Nadu Act XXXV of 1958.*—After section 151-A of the principal Act, the following section shall be inserted, namely :—

"151-B. *Special provision for recall of chairman by voters in a referendum to be held.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, if a representation in writing signed by not less than one-fourth of the voters in any panchayat union in the case of chairman, alleging that the chairman is corrupt or has otherwise abused his position as chairman and that he should be recalled, is presented to the election authority, such election authority shall verify the genuineness of the signatures in the said representation within such time as may be prescribed. The said representation shall contain the grounds on the basis of which the allegation as aforesaid is made and shall be in such form as may be prescribed :

Provided that the verification of the genuineness of the signatures shall not be less than one per cent of the total signatures in the representation :

Provided further that no such representation shall be entertained if it is made either within six months from the commencement of, or within six months before the expiry of, the term of office of such chairman.

Explanation I.—For the purpose of this section, the expression "voters" shall mean those persons who were under section 36-A entitled to vote on the date of the election in which the chairman aforesaid was declared elected.

Explanation II.—For the purpose of this section, 'the election authority' shall mean an officer of the Rural Development Department, not below the rank of Divisional Development Officer, specially empowered by the Government in this behalf.

(2) On receipt of the representation and after verification of the signatures under sub-section (1), the election authority shall make an enquiry in such manner as may be prescribed. If on such enquiry the election authority is satisfied that the allegation is substantially true, the election authority shall hold a referendum for a decision whether such chairman should be recalled or not from his office :

Provided that in such enquiry the chairman shall be given a reasonable opportunity of being heard.

(3) If in such referendum the majority of the voters who have actually exercised their votes, favours the recall of the chairman, the election authority shall declare that the chairman stands recalled and thereupon the office of the chairman shall become vacant. If the majority of the voters who have actually exercised their votes does not favour the recall of the chairman then, the chairman shall continue in office and the election authority shall make a declaration accordingly.

(4) The referendum held in respect of such chairman shall be final and no further referendum in respect of such chairman shall be held during the remainder of the term of his office.

(5) The declaration made under sub-section (3) shall be final and no such declaration shall be liable to be questioned in any court of law and no court shall grant any permanent or temporary injunction or make any order restraining any proceeding which is being or about to be taken under this section.

(6) The chairman who stands recalled under this section shall not be eligible for election to the office of such chairman for a period of six years from the date of declaration under sub-section (3).

(7) The Government may make rules for the purposes of giving effect to the provisions of this section including the manner of holding the referendum.".

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

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... OF TAMIL NADU

1989

Registered No.

[Price : 30 Paise

TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY — PUBLISHED BY AUTHORITY

No. 348] MADRAS, WEDNESDAY, JUNE 14, 1989

VAIKASI 31, SUKLA, THIRUVALLUVAR AANDU—2020

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th June 1989 and is hereby published for general information :—

ACT No. 24 OF 1989.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 1989. Short title and commencement.

(2) It shall come into force at once.

Nadu XXXV of

2. In the Tamil Nadu Panchayats Act, 1958 (hereinafter referred to as the principal Act), in section 2, in clause (17), the expression " and a nominated member " shall be omitted. Amendment of section 2.

3. In section 12 of the principal Act,— Amendment of section 12.

(1) to sub-section (1), the following provisos shall be added, namely :—

" Provided that if among the members of a panchayat union council, there are no women or members of the Scheduled Castes or Scheduled Tribes or the number whether of women or of the members of the Scheduled Castes or Scheduled Tribes is less than three, the panchayat union council may co-opt such number of women or members of the Scheduled Castes or Scheduled Tribes as may be necessary to ensure that the council includes three women and three members of the Scheduled Castes and Scheduled Tribes :

Provided further that no person shall be co-opted under the first proviso unless he has completed twenty-one years of age :

Provided also that if, among the members of a panchayat union council, there is any woman belonging to Scheduled Castes or Scheduled Tribes, as the case may be, then for the purposes of reckoning the number of

members of the Scheduled Castes or Scheduled Tribes to be co-opted under the first proviso, such women shall not be deemed to represent the Scheduled Castes or Scheduled Tribes and shall be excluded and accordingly the requisite number of members of the Scheduled Castes or Scheduled Tribes specified in the first proviso shall be co-opted." ;

(2) sub-section (1-A) including the five provisos thereunder and sub-sections (1-B) and (1-C) shall be omitted.

Amendment of section 19.

4. In section 19 of the principal Act, the expression "or nominated" shall be omitted.

Amendment of section 36-A.

5. In section 36-A of the principal Act, in sub-section (8), in clause (*a*), the expression "save as otherwise provided in section 47-A" shall be omitted.

Amendment of section 38.

6. In section 38 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) The members co-opted under the first proviso to sub-section (1) of section 12 shall have all the rights and privileges of the members of the panchayat union council ".

Omission of section 47-A.

7. Section 47-A of the principal Act shall be omitted.

Amendment of section 62.

8. In section 62 of the principal Act,—

(1) for the expression "The provisions of sections 57 to 61", the expression "Subject to the provisions of section 62-B, the provisions of sections 57 to 61" shall be substituted ;

(2) for the expression "the public health establishments of panchayats", the expression "the public health establishments of panchayats and panchayat union councils" shall be substituted.

Amendment of section 65.

9. In section 65 of the principal Act,—

(1) after clause (*b*), the following clause shall be inserted, namely :—

"(*c*) the establishment and maintenance of Maternity and Child Welfare Centres, including the maintenance of a 'thayi' service and offering advice and assistance to mothers in family planning ;" ;

(2) after clause (*e*), the following clause shall be inserted, namely :—

"(*f*) preventive and remedial measures connected with any epidemic or with malaria ;".

Amendment of section 70.

10. In section 70 of the principal Act,—

(1) for the *marginal heading*, the following *marginal heading* shall be substituted, namely :—

"*Maintenance of common dispensaries, child-welfare centres, etc.*" ;

(2) after the words "common dispensaries", the words "child-welfare centres" shall be inserted.

Insertion of new section 93.

11. After section 92 of the principal Act, the following section shall be inserted, namely :—

"93. *Compulsory vaccination.*—The panchayat union council shall enforce vaccination throughout the panchayat union and it may enforce revaccination throughout the panchayat union or in any part thereof, in respect of such persons, to such extent, and in such manner, as may be prescribed.".

Amendment of section 178.

12. In section 178 of the principal Act, in sub-section (2), after clause (ii), the following clause shall be inserted, namely :—

"(iii) as to the period within which a panchayat union council may co-opt women and members of the Scheduled Castes and Scheduled Tribes under the first proviso to sub-section (1) of section 12 and the manner of filling up of vacancies, if no woman or member of the Scheduled Castes or Scheduled Tribes is co-opted." ;

Term of office of co-opted members and nominated members of panchayat union councils to expire.

mil Nadu Act 3 of 1989.

13. (1) Notwithstanding anything contained in section 6 of the Tamil Nadu Panchayats (Amendment) Act, 1989, the term of office of the co-opted members and nominated members of all the panchayat union councils in the State of Tamil Nadu, holding office as such on the date of the commencement of this Act, shall expire on the date of publication of this Act in the *Tamil Nadu Government Gazette,* and accordingly, all such co-opted members and nominated members of all panchayat union councils shall vacate their office on the said date.

(2) Every vacancy occurring in the office of co-opted membe... and nominated members of the panchayat union councils under ..h-section (1), shall be filled up in accordance with the provisions of the principal Act, as amended by this Act.

Repeal of Tamil Nadu Act 13 of 1987.

mil Nadu Act ... of 1987.

14. The Tamil Nadu Panchayats (Amendment) Act, 1987 is hereby repealed.

(By order of the Governor.)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th November 1989 and is hereby published for general information :—

ACT No. 31 OF 1989.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 1989.

(2) It shall come into force at once.

Insertion of new section 12-A.

2. In the Tamil Nadu Panchayats Act, 1958 (hereinafter referred to as the principal Act), after section 12, the following section shall be inserted, namely :— Tamil Nadu Act XXXV of 1958.

"12-A. *Duration of panchayats and panchayat union councils.*—(1) Every panchayat unless sooner dissolved or superseded and every panchayat union council unless sooner dissolved, shall continue for five years beginning at noon on the day on which the ordinary vacancies occur and no longer and the expiration of the said period of five years shall operate as a dissolution of the panchayat and panchayat union council.

(2) Where a panchayat is dissolved or superseded before the expiration of the said period of five years and no direction has been issued under sub-clause (i) of clause (a) of sub-section (2) of section 154 or where a panchayat union council is dissolved before the expiration of the said period of five years, election to constitute such panchayat or reconstitution of such panchayat union council shall be completed in accordance with the provisions of section 154 or, as the case may be, section 155 as soon as may be, and in any case before the expiration of a period of six months from the date of such dissolution or, as the case may be, supersession :

Provided that where a panchayat is dissolved or superseded or a panchayat union council is dissolved, within six months before the expiration of the period of five years, it shall not be necessary to hold any election to such panchayat or to reconstitute such panchayat union council."

Amendment of section 15.

3. In section 15 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) As nearly as may be, thirty per cent of the total number of seats in every panchayat shall be reserved for women and the Inspector may from time to time, specify in accordance with such rules as may be prescribed, the wards in respect of which women are to be elected."

Amendment of section 17.

4. In section 17 of the principal Act,—

(1) in sub-section (1), the proviso shall be omitted ;

(2) in sub-section (2),—

(a) for the expression "within three months", the expression "within six months" shall be substituted ;

(b) the proviso shall be omitted.

Amendment of section 30.

5. In section 30 of the principal Act, in sub-section (5), the proviso shall be omitted.

Amendment of section 36-A.

6. In section 36-A of the principal Act, in sub-section (3), the proviso shall be omitted.

7. After section 66 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 66-A.

"66-A. *Entrustment of certain schemes to panchayat union councils.*—(1) Save as otherwise provided in section 66, the Government may, subject to such conditions and restrictions as may be specified, entrust all or any of the schemes, programmes and activities for economic development, whether such schemes, programmes and activities are to be executed or implemented either by the Government or by any statutory body, or other agency to the panchayat union council for its execution or implementation.

(2) The panchayat union council may, if so notified by the Government, review the schemes, programmes and other activities executed by the Government or by any statutory body or other agency within the panchayat union.

8. In section 110 of the principal Act, in sub-section (1-A), the proviso shall be omitted. Amendment of section 110.

9. After section 143 of the principal Act, the following section shall be inserted, namely :— Insertion of new section 143-A.

"143-A. *Expert Committee to review financial position.*—(1) The Government shall as soon as may be within three months from the date of publication of the Tamil Nadu Panchayats (Third Amendment) Act, 1989 in the *Tamil Nadu Government Gazette*, and thereafter at the expiration of every fifth year constitute an Expert Committee, to review the financial position of the panchayats and panchayat union councils and to make recommendations to the Government as to—

(*a*) the principles governing the determination of the taxes, duties, tolls, fees, grants and other amounts which may be assigned to, or appropriated by, the panchayats and panchayat union councils ; and

(*b*) the improvement of the finances of panchayats and panchayat union councils.

(2) The Expert Committee constituted under sub-section (1) shall consist of both officials and non-officials not exceeding seven as may be nominated by the Government of whom one shall be nominated by the Government as Chairman."

10. In section 154 of the principal Act,—

(1) in sub-section (1),—

(*a*) in clause (*a*), after the expression "with effect from another specified date", the expression "which shall be within a period of six months from the date of such dissolution" shall be inserted ;

(*b*) in clause (*b*),—

(i) for the expression "one year" the expression "six months" shall be substituted ;

(ii) after the expression "with effect from another specified date", the expression "which shall be within a period of six months from the date of such supersession" shall be inserted ;

(iii) the proviso shall be omitted.

(2) in sub-section (10), for the expression "and their term of office shall expire in such year and on such date as the Government may fix", the expression "and shall hold their offices only for the remainder of the period for which the dissolved or, as the case may be, the superseded panchayat would have continued under sub-section (1) of section 12-A, had it not been dissolved or superseded" shall be substituted.

Amendment of section 155.

11. In section 155 of the principal Act,—

(1) in sub-section (1), —

(*a*) in clause (*b*), for the expression "one year", the expression "six months" shall be substituted;

(*b*) the proviso shall be omitted.

(2) in sub-section (2), the expression "(excluding the proviso thereto)" shall be omitted ;

(3) in sub-section (4-A), the expression "or the proviso to that clause" shall be omitted ;

(4) in sub-section (5), for the expression "and their term of office shall expire in such year and on such date as the Government may fix", the expression "and they shall hold their offices only for the remainder of the period for which the dissolved panchayat union council would have continued under sub-section (1) of section 12-A, had it not been dissolved" shall be substituted.

(By order of the Governor)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 2nd February 1991 and is hereby published for general information:—

ACT No. 3 OF 1991.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1991.

(2) It shall come into force at once.

Amendment of section 15.

Tamil Nadu Act XXXV of 1958.

2. In sub-section (2) of section 15 of the Tamil Nadu Panchayats Act, 1958, for the words " forty years ", the words " fifty years " shall be substituted.

(By order of the Governor.)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, MADRAS ON BEHALF OF THE GOVERNMENT OF TAMIL NADU.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 18th July 1991 and is hereby published for general information :—

ACT No. 20 OF 1991.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-second Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 1991.

(2) It shall come into force at once.

Amendment of section 10.

Tamil Nadu Act XXXV of 1958.

2. In section 10 of the Tamil Nadu Panchayats Act, 1958 (hereinafter referred to as the principal Act), in sub-section (3), for the proviso, the following proviso shall be substituted, namely:—

"Provided that the strength of the penchayat as notified under sub-section (1) or as altered by notification under sub-section (2) shall be deemed to be increased by such number as may be co-opted under sub-section (3) of section 15.".

Amendment of section 12.

3. In section 12 of the principal Act, in sub-section (1),—

(1) for the second proviso, the following proviso shall be substituted, namely :—

"Provided further that no person shall be co-opted under the first proviso unless the name of such person appears in the electoral roll for any one of the panchayats or townships comprised in the panchayat union and has completed twenty-one years of age:"

(2) after the third proviso, the following proviso shall be added, namely :—

"Provided also that no person shall be co-opted under the first proviso unless such person has aptitude for rural development and possesses such other qualification as may be prescribed.".

Amendment of section 15.

4. In section 15 of the principal Act,—

(1) in the marginal heading, for the words "*and women*", the words "*and co-option of women*" shall be substituted ;

(2) for sub-section (3), the following sub-sections shall be substituted, namely :—

"(3) Among the elected members of every panchayat, there shall be, as nearly as may be, thirty per cent representation for women and if sufficient number of women are not elected to that extent in any panchayat, the Panchayat may co-opt such number of women as members as may be necessary to ensure that there is thirty per cent representation for women in that panchayat :

Provided that no woman shall be co-opted as a member under this sub-section unless her name appears in the electoral roll for the panchayat and she has completed twenty-one years of age :

Provided further that no woman shall be co-opted as a member under this sub-section unless she has aptitude for rural development and possesses such other qualifications as may be prescribed :

Provided also that for the purpose of reckoning the number of women to be co-opted under this sub-section as members, the number of women belonging to Scheduled Castes and Scheduled Tribes elected to a panchayat shall also be taken into account.

(3-A) Every co-opted member shall have all the rights, powers and privileges of an elected member. ";

(3) in sub-section (4)—

(*a*) for the expression "sub-sections (1) and (3)", the expression "sub-section (1)" shall be substituted ;

(*b*) for the expression "Scheduled Castes, Scheduled Tribes or women", the expression "Scheduled Castes and Scheduled Tribes" shall be substituted.

Amendment of section 17.

5. In section 17 of the principal Act, —

(1) in sub-section (3),—

(i) in clause (a), for the words "an elected member", the words "an elected or co-opted member" shall be substituted ;

(ii) in clause (b), for the words "elected" occurring in two places, the words "elected or co-opted" shall be substituted ;

(2) after sub-section (4), the following sub-section shall be added, namely :—

"(5) Every woman co-opted under sub-section (3) of section 15, shall hold office only for such period for which she would have been entitled to hold office, if she had been elected at an ordinary election or at a casual election, as the case may be.".

Amendment of section 23.

6. In section 23 of the principal Act, —

(1) in sub-section (1), for the words "qualified for election", the words "qualified for election or co-option" shall be substituted ;

(2) in sub-section (2), for the words "before or after an election", the words "before or after an election or co-option" shall be substituted.

Amendment of section 24.

7. In section 24 of the principal Act, after the words "in any election to which this Act applies", the words "or from being co-opted as a member of a panchayat or panchayat union council" shall be inserted.

Amendment of section 25.

8. In section 25 of the principal Act,—

(1) in sub-section (1), for the words "disqualified for election", the words "disqualified for election or co-option" shall be substituted ;

(2) in sub-section (1-A), for the words "disqualified for election", the words "disqualified for election or co-option" shall be substituted ;

(3) in sub-section (2), in the opening paragraph, for the portion beginning with the words "A person" and ending with the words "he is", the following shall be substituted, namely:—

"A person shall be disqualified—

(i) for election as a member if, at the last date for filing of nomination or at the date of election, or

(ii) for being co-opted as a member if at the date of co-option he is".

9. In section 27 of the principal Act, in sub-section (1),— Amendment of section 27.

(1) for the words "he shall be restored to office for such portion of the period for which he was elected", the words "such person shall be restored to office for such portion of the period for which such person was elected or co-opted" shall be substituted ;

(2) for the words "any person elected", the words "any person elected or co-opted" shall be substituted.

10. In section 28 of the principal Act, in sub-section (1), for the words "who has been elected as a member of a panchayat", the words "who has been elected or co-opted as a member of a panchayat" shall be substituted. Amendment of of section 28.

11. In section 178 of the principal Act, in sub-section (2), for clause (iii), the following clause shall be substituted, namely:— Amendment of section 178.

" (iii) as to the period within which the panchayat may co-opt women or the period within which the panchayat union council may co-opt women and members of the Scheduled Castes and Scheduled Tribes ; ".

(By order of the Governor.)

P. JEYASINGH PETER,
Secretary to Government, Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, MADRAS, ON BEHALF OF THE GOVERNMENT OF TAMIL NADU

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th June 1992 and is hereby published for general information :—

ACT No. 27 OF 1992.

An Act further to amend the Tamil Nadu Panchayats Act, 1958.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 1992.

(2) It shall come into force on the 1st day of July 1992.

Amendment of section 115.

Tamil Nadu Act XXXV of 1958.

2. In section 115 of the Tamil Nadu Panchayats Act, 1958 (hereinafter referred to as the principal Act),—

(1) in sub-section (1), for the expression " a local cess at the rate of 45 naye paise on every rupee of land revenue ", the expression " a local cess at the rate of one rupee on every rupee of land revenue " shall be substituted ;

(2) in sub-section (4),—

(i) in clause (*a*), for the words " a sum representing four-ninths of the proceeds ", the words " a sum representing twenty per cent of the proceeds " shall be substituted ;

(ii) for clauses (*b*) and (*c*), the following clause shall be substituted, namely :—

" (*b*) Out of the proceeds of the local cess collected in every panchayat development block, a sum representing seventy-five per cent of the said proceeds shall be credited to the town panchayat fund and the village panchayat fund in such proportion as may be determined by the Government.".

Amendment of section 116.

3. In section 116 of the principal Act, for the words " shall not exceed two rupees and fifty paise on every rupee of land revenue ", the words " shall not be less than five rupees and not more than ten rupees on every rupee of land revenue " shall be substituted.

Amendment of section 136.

4. In section 136 of the principal Act, in clause (*i*), for the words " four-ninths ", the words " twenty per cent " shall be substituted.

(By order of the Governor.)

MD. ISMAIL,
Secretary to Government, Law Department.